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STATUTES

OF THE

PROVINCE OF ONTARIO

For 1939 (Second Session) and for 1940

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STATUTES

OF THE

PROVINCE OF ONTARIO

PASSED IN THE SECOND SESSION HELD IN THE

Third Year of the Reign of His Majesty KING GEORGE VI

Being the Fourth Session of the Twentieth Legislature of Ontario

1939/1940

BEGUN AND HOLDEN AT TORONTO ON THE NINETEENTH DAY OF SEPTEMBER
IN THE YEAR OF OUR LORD ONE THOUSAND
NINE HUNDRED AND THIRTY-NINE



HIS HONOUR ALBERT MATTHEWS, LIEUTENANT-GOVERNOR

TORONTO

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3 GEORGE VI

CHAPTER 1

The Succession Duty Act, 1939.

Assented to September 22nd, 1939. Session Prorogued September 22nd, 1939.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,—

Interpre tation,—

(a) "aggregate value" shall mean,-

"aggregate

- (i) the value at the date of death of the deceased of the property wherever situate passing on his death; and
- (ii) the value of all dispositions wherever made where such dispositions are made on or after the 1st day of July, 1892;

less the debts, incumbrances and other allowances authorized by subsection 5 of section 2 and less the exemptions authorized by section 4;

- (b) "beneficial interest" shall include any ownership and "beneficial any interest other than that of a trustee or executor, and any expression of like import shall have a like meaning;
- (c) "business" shall mean partnership, firm, syndicate "business" or other unincorporated organization;
- (d) "child" shall mean lawful child of the deceased, "ohld" lineal descendant of any such child born in lawful wedlock, person adopted while under the age of twelve years by the deceased, person to whom the deceased during the infancy of any such person stood in loco parentis for a period of not less than five years, or lineal descendant of any such adopted child or person;
- (e) "company" shall mean corporation or other incor-"company" porated organization;

"disposition"

- (f) "disposition" shall mean,-
 - (i) any means whereby any property passes or is agreed to be passed, directly or indirectly, from the deceased during his lifetime to any person;
 - (ii) any means whereby any person is benefited, directly or indirectly, by any act of the deceased during the lifetime of the deceased;
 - (iii) any allocation, assignment, delivery, dispatching, giving, mailing, payment, release, sending, surrender, transfer or waiver of or any agreement to allocate, assign, deliver, dispatch, give, mail, pay, release, send, surrender, transfer or waive, during the lifetime of the deceased, any property of any business or company in which the interest of the deceased or his agent or nominee was at the time of such allocation, assignment, delivery, dispatching, giving, mailing, payment, release, sending, surrender, transfer, waiver or agreement, alone or added to that of any member of the family of the deceased, more than fifty per centum, directly or indirectly, of the whole, or any property of any business or company in which the interest of any such first mentioned business or company was more than fifty per centum, directly or indirectly. of the whole;
 - (iv) any payment during the lifetime of the deceased to any person as a result of the creation of a trust by the deceased, exclusive of the payment of any income derived from any property in which such person had 'the beneficial interest:
 - (v) any payment to or enjoyment by any person during the lifetime of the deceased as a result of any assignment, giving, release, surrender, transfer or waiver of or agreement to assign, give, release, surrender, transfer or waive by the deceased, any right to receive payment of any annuity or income or the right to enjoy any estate or interest for life or term of years; or
 - (vi) any payment during the lifetime of the deceased to any person as a result of any arrange-

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ment effected by the deceased in his lifetime for any annuity, income or other periodic payment, exclusive of the payment of any income derived from any property in which such person had the beneficial interest:

without consideration in money or money's worth or for partial consideration in money or money's worth to the extent by which the value of the property or benefit exceeds the value of such partial consideration, and such means shall include.-

- (ai) any assignment, delivery, dispatching, giving, mailing, payment, release, sending, surrender, transfer or waiver of any property:
- (aii) any agreement to assign, deliver, dispatch, give, mail, pay, release, send, surrender, transfer or waive any property;
- (aiii) any creation of trust; and
- (aiv) any contribution of any property of the deceased to a joint tenancy where the deceased is one of the joint tenants, to the extent of the value of the property or part of the property taken or converted during the lifetime of the deceased by any of the other joint tenants for the use or benefit of such other ioint tenants or any one of them.

provided that marriage shall not be deemed to Proviso. constitute consideration for any disposition;

- (g) "dutiable value" of any property situate in Ontario "dutiable value" passing on the death of the deceased, "dutiable value" of a transmission, or "dutiable value" of a disposition made in Ontario, shall mean, respectively, the value of such property at the date of death of the deceased, the value of such transmission, and the value of such disposition, after allowance has been made for the debts, incumbrances and other allowances authorized by and in accordance with subsection 5 of section 2;
- (h) "executor" shall include administrator and adminis- "executor" trator with the will annexed:
- (i) "interest in expectancy" shall include an estate, "interest in expectancy" income or interest, in remainder or reversion and any other future interest whether vested or contingent, but shall not include a reversion expectant upon the determination of a lease:

"member of

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- (i) "member of the family" and any expression of like import shall mean,-
 - (i) child:
 - (ii) son-in-law or daughter-in-law of the deceased:

Rev. Stat., c. 218.

- (iii) person adopted under The Adoption Act by the deceased or the spouse or any lawful descendant of such person:
- (iv) husband or wife of the deceased;
- (v) father, mother or any brother or sister of the deceased or any lawful descendant of any such brother or sister:
- (vi) any brother or sister of the father or mother of the deceased or any lawful descendant of any such brother or sister;
- (vii) the father, mother or any brother or sister of the husband or wife of the deceased or any lawful descendant of any such brother or sister: or
- (viii) any grandfather or grandmother of the deceased:

"money"

(k) "money" shall include bill of exchange, cheque, deposit receipt, interest coupon, money order, promissory note and any other like instrument:

"passing on the death"

(l) "passing on the death" shall mean passing either immediately on the death or after an interval, either certainly or contingently and either originally or by way of substitutive limitation;

"person to whom a dis-position is made"

(m) "person to whom a disposition is made" and any expression of like import shall mean person who benefits by a disposition;

"person to whom there is a trans-mission"

(n) "person to whom there is a transmission" and any expression of like import shall mean person who benefits by a transmission;

'property in respect

(o) "property in respect of which a disposition is made" and any expression of like import shall include any property into which such property has become directly or indirectly converted and any property which, exclusive of income, has been derived from such property;

Succession Duty.

- (p) "property passing on the death of the deceased" "property and any expression of like import shall include,—
 - (i) any property held jointly by the deceased Property and one or more persons and payable to or jointly. passing to the survivor or survivors, except that part of such property which is shown to the satisfaction of the Treasurer to have been contributed by the survivor or survivors, provided that where the joint tenancy or proviso. holding is created by a person other than the deceased and the survivor or survivors, such property shall be deemed to have been contributed to equally by the deceased and the survivor or equally by the deceased and each of the survivors:
 - (ii) any annuity, income or other interest pur-Annuity. chased or in any manner provided by the deceased either by himself alone or in concert or by arrangement with any other person to the extent of the interest therein accruing or arising on the death of the deceased:
 - (iii) that portion of the money payable as a result Insurance on of the death of the deceased under a contract life. of insurance as is in the same ratio to the whole that the amount of the premiums paid by the deceased on such contract bears to the total amount of the premiums paid;
 - (iv) the interest of the deceased in a contract Interest of of insurance which provides for the payment insurance. of money as a result of the death of a person other than the deceased:
 - (v) any money payable as a result of the death Insurance of the deceased under a contract of insurance business or to any business or company by which the deceased was employed or with which he was associated or in which he was interested, to the extent of any part of such money not paid to or paid to and not thenceforward retained by such business or company for its own use and benefit;
 - (vi) that portion of the interest of any business Interest of or company mentioned in subclause v in a business in insurance.

contract of insurance which provides for the payment of money as a result of the death of a person other than the deceased, which is paid to any member of the family of the deceased.

Property over which deceased had power of disposal

(vii) any property over which the deceased had at the time of his death a general power of appointment either by instrument inter vivos or by will or both, including the powers exercisable by a tenant in tail whether in possession or not, but exclusive of any power exercisable in a fiduciary capacity not created by the deceased, or as mortgagee, and whether or not concurrence of any other person is required, and provided that money which the deceased has a general power to charge on property shall be deemed to be property of which he has the power to dispose;

Proviso.

Property passing under settlement, etc. (viii) any property passing under any past or future settlement, including any trust, whether expressed in writing or otherwise and if contained in a deed or other instrument effecting the settlement, whether such deed or other instrument was made for valuable consideration or not, as between the settlor and any other person, made by deed or other instrument not taking effect as a will, whereby an interest in such property or the proceeds of sale thereof for life, or any other period determinable by reference to death, is reserved either expressly or by implication to the settlor, or whereby the settlor may have reserved to himself the right by the exercise of any power to restore to himself, or to reclaim the absolute interest in such property, or the proceeds of sale thereof, or to otherwise resettle the same or any part thereof;

Property,—disposition in Ontario.

(ix) any property in respect of which a disposition is made in Ontario on or after the 1st day of July, 1892, to any person who is not resident in Ontario at the date of death of the deceased, which at the date of death of the deceased was situate in Ontario and was owned by the person to whom such disposition is made;

Property,—disposition outside Ontario.

(x) any property in respect of which a disposition is made outside Ontario on or after the 1st day of July, 1892, to any person who is not resident in Ontario at the date of death of the deceased, which at the date of death of the deceased was situate in Ontario and was owned by the person to whom such disposition is made, and where the deceased was domiciled in Ontario at the time the disposition was made and at the date of his death; and

- (xi) any right, interest or estate in dower or by Dower and curtesy to which the wife or husband of the deceased may be entitled;
- (q) "regulations" shall mean regulations made under the "regulations." provisions of this Act;
- (r) "security" shall include bonds, debentures, guaranteed "security." investments, shares, stocks, rights to subscribe for or purchase shares or stocks, rights to royalties, syndicate units and anything designated as a security by the regulations;
- (s) "transmission" shall mean the passing on the death "transof any person domiciled in Ontario to any person
 resident or domiciled in Ontario at the date of death
 of the deceased, of any personal property situate
 outside Ontario at the date of such death including
 such of the personal property mentioned in subclauses i to viii of clause p as is situate outside Ontario
 at such date; and
- (t) "Treasurer" shall mean Treasurer of Ontario.

"Treasurer."

2.—(1) For the purposes of this Act,—

- (a) the value of any security which is listed on any Value of stock exchange, or if not so listed, on which a price securities. or quotation is obtainable from financial journals, recognized financial reports or registered brokers, shall be the closing price or quotation of such security on the day as of which such value is to be determined, or if there is no closing price or quotation on such day, then on the last preceding day on which there is a closing price or quotation;
- (b) the value of any security which is not listed or on Value of which no price or quotation is obtainable as provided securities. in clause a shall be the value deduced from such records, material, information, financial statements or things as may be relevant thereto;

Value of

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 (e) the value of any business or of any interest in any business shall be the value deduced from such records, material, information, financial statements or things as may be relevant thereto;

Value of disposition.

(d) the value of a disposition shall be the value at the date of death of the deceased of the property in respect of which such disposition is made, provided that,—

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- if such property has been sold for or converted into money during the lifetime of the deceased, the amount of such money shall be the value of such disposition;
- (ii) if the disposition is of money, the amount of such money shall be the value of such disposition;
- (iii) if the disposition is a remission of a debt, the amount of such debt at the date of such remission shall be the value of such disposition; and
- (iv) if the disposition is a disposition of the right to enjoy as mentioned in subclause v of clause f of section 1, the value of such right as at the date of such disposition shall be the value of such disposition; and

Value of transmission. (e) the value of a transmission shall be the value at the date of death of the deceased of the property in respect of which there is a transmission.

No allowance for wages. (2) Notwithstanding anything contained herein, in valuing any security under clause b of subsection 1 or any business or any interest in any business under clause c of subsection 1, an allowance shall not be made for wages, salaries or remuneration paid or due to any member of the family of the deceased by any business or company in which the interest of the deceased, or his agent or nominee, was alone or added to that of any member of the family of the deceased, more than fifty per centum, directly or indirectly, of the whole, except such part thereof as the Treasurer may deem reasonable and proper.

Variance in value of property.

- (3) In valuing any property in respect of which a disposition is made,—
 - (a) where such property was subject to incumbrance at the time such disposition was made and such

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incumbrance is in existence at the date of death of the deceased; or

(b) where there was partial consideration as mentioned in clause f of section 1;

and the value of such property has varied between the time such disposition was made and the date of such death, the value or amount of such incumbrance or the value or amount of such partial consideration shall be deemed to vary in like proportion.

- (4) Every annuity, term of years, life estate, income or Valuation of other estate and any interest in expectancy shall be valued etc according to such rule, method and standard of mortality and of value and at such rate of interest as the Lieutenant-Governor in Council may determine.
- (5) In determining aggregate value and in determining Aggregate dutiable value allowance shall be made for reasonable funeral dutiable expenses for the deceased, for debts and incumbrances incurred value. or created by the deceased bona fide and for full consideration in money or money's worth wholly for his own use and benefit, for surrogate court fees and for solicitor's fees for obtaining probate or letters of administration to an amount not exceeding \$100, and all debts and incumbrances for which allowance is made shall be deducted from the value of the land or other subject of property liable thereto, but allowance shall not be made.—
 - (a) for any debt in respect of which there is a right to reimbursement except such part thereof for which reimbursement cannot be obtained:
 - (b) more than once for the same debt or incumbrance charged upon different properties;
 - (c) save as aforesaid, for the expense of the administration of the property or the execution of any trust created by the will of the deceased or by any instrument made by him during his lifetime;
 - (d) for any debt or incumbrance or any part thereof which by due process of law cannot be realized out of any property;
 - (e) for any wages, salaries or other remuneration due by the deceased to any member of his family, except such part of such wages, salaries or other remuneration as the Treasurer may deem reasonable and proper;

- (f) for any part of any debt not actually and bona fide paid or intended to be paid;
- (g) for any debt for taxes due and payable more than two years prior to the date of death of the deceased. unless such debt is paid or settled within six months after such date: or

Rev. Stat.,

(h) for any debt not recoverable by reason of The Limitations Act or any other statute of limitations.

Where no duty to be levied.

- 3. No duty shall be levied on.-
 - (a) any property situate in Ontario passing on the death of the deceased to any one person where the value of all the property so passing to such person does not exceed \$500:
 - (b) any person to whom there is a transmission, with respect to such transmission, where the value of all transmissions to such person does not exceed \$500;
 - (c) any person to whom a disposition is made, with respect to such disposition, where the value of all dispositions to such person does not exceed \$500:
 - (d) any property situate in Ontario passing on the death of the deceased to any one person where such property consists wholly of an annuity not exceeding \$100, or of an estate or interest for life or for a term in any property the yearly income from which does not exceed \$100:
 - (e) any person to whom there is a transmission, with respect to such transmission, where all the property in respect of which there are transmissions to such person consists wholly of an annuity not exceeding \$100, or of an estate or interest for life or for a term in any property the yearly income from which does not exceed \$100:
 - (f) any person to whom a disposition is made, with respect to such disposition, where all the property in respect of which dispositions to such person are made consists wholly of an annuity not exceeding \$100, or of an estate or interest for life or for a term in any property the yearly income from which does not exceed \$100;
 - (g) any property situate in Ontario passing on the death of the deceased to any one of the persons to

whom subsection 3 of section 6 applies, such person to whom there is a transmission and such person to whom any disposition is made, where the value of all such property, transmissions and dispositions does not exceed \$1,000, provided such Proviso. person was in the employ of the deceased for a period of at least five years immediately prior to the death of the deceased: or

(h) any money payable in Ontario as a result of the death of the deceased under a contract of insurance issued by any insurance company having its head office in Ontario where the policy was situate outside Ontario at the death of the deceased and the deceased was domiciled outside Ontario at the date such contract was made and at the date of his death,

provided that,-

Proviso.

- (i) the total amount in respect of which no duty shall be levied under clauses a, b and c shall not exceed \$500;
- (ii) the total amount in respect of which no duty shall be levied under clauses d, e and f shall not exceed an annuity or yearly income of \$100: and
- (iii), where by reason of clauses d, e and f no duty is levied, clauses a, b and c shall not apply.

4.—(1) No duty shall be levied on any of the following Where no duty to be property, nor on any person to whom there are any transmis-levied and sions of any of the following property, with respect to such that the transmissions, nor on any person to whom any of the following aggregate dispositions are made, with respect to such dispositions, and value. such property and dispositions shall not be included in the aggregate value nor included for the purpose of determining any rate of duty,-

- (a) any disposition for religious, charitable or educational purposes to any religious, charitable or educational organization which carries on its work solely in Ontario:
- (b) any property devised or bequeathed by the deceased for religious, charitable or educational purposes to any religious, charitable or educational organization which carries on its work solely in Ontario, to an amount not exceeding fifty per centum in value of the property passing on the death of the deceased after making the allowances under subsection 5 of section 2:

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- (c) any disposition for religious, charitable or educational purposes to any religious, charitable or educational organization which carries on its work both in and outside Ontario to the extent of that portion in value of the property in respect of which the disposition is made as is in the same ratio to the whole that its expenditures for carrying on its work in Ontario bear to its total expenditures during such period as the Treasurer may determine:
- (d) that portion of any property devised or bequeathed by the deceased for religious, charitable or educational purposes to any religious, charitable or educational organization which carries on its work both in and outside Ontario as is in the same ratio to the whole that its expenditures for carrying on its work in Ontario bear to its total expenditures during such period as the Treasurer may determine, to an amount not exceeding fifty per centum in value of the property passing on the death of the deceased after making the allowances under subsection 5 of section 2:
- (e) any property devised or bequeathed by the deceased to and any disposition to the Dominion of Canada, the Province of Ontario or any municipality in Ontario:
- (f) any disposition for necessaries or education to or for any member of the family of the deceased where it is shown to the satisfaction of the Treasurer that such member was dependent in whole or in part on the deceased for such necessaries or education;
- (g) any disposition to the husband, wife, father, mother or any brother, sister, son, daughter, son-in-law or daughter-in-law of the deceased or any person adopted while under the age of eighteen years by the deceased under The Adoption Act, made more than ten years before the date of death of the deceased, where actual and bona fide enjoyment and possession of the property in respect of which the disposition is made. shall have been immediately assumed by the person to whom the disposition is made and thenceforward retained to the entire exclusion of the deceased or of any benefit to him whether voluntarily or by contract or otherwise, provided that this clause shall not apply to any disposition resulting in the making of periodic payments, except such payments as are made more than ten years before the date of death of the deceased:

Rev. Stat., c. 218.

- (h) any disposition to any person made more than thirty years before the date of death of the deceased, where actual and bona fide enjoyment and possession of the property in respect of which the disposition is made, shall have been immediately assumed by the person to whom the disposition is made and thenceforward retained to the entire exclusion of the deceased or of any benefit to him whether voluntarily or by contract or otherwise, provided that this clause shall Provisonot apply to any disposition resulting in the making of periodic payments, except such payments as are made more than thirty years before the date of
- (i) any money paid to or enjoyed by any member of the family of the deceased on or after the death of the deceased out of or in respect of any pension fund or scheme of general application to employees by reason of the employment of the deceased by the Dominion of Canada, the Province of Ontario or any municipality in Ontario;

death of the deceased:

- (j) any non-commutable annuity, income or periodic payment effected in any manner other than by will or testamentary instrument and paid for by the deceased during his lifetime, and paid to or enjoyed by the wife or dependent father or mother or any dependent brother, sister or child of the deceased after the death of the deceased, to the extent of \$1,200 per annum with respect to any one person and to the extent of \$2,400 per annum in the aggregate; and
- (k) any property devised or bequeathed by the deceased to and any disposition to The Canadian National Institute for the Blind, The Canadian Red Cross Society or any patriotic organization or institution in Canada which hereafter receives the written approval of the Secretary of State of the Dominion of Canada.
- (2) For the purposes of subsection 1 the Treasurer may Meaning of in his absolute discretion determine whether any purpose charitable, or organization is a religious, charitable or educational purpose or organization within the meaning of clause a, b, c or d of subsection 1
- 5. Subject to sections 3 and 4, on the death of any person What duty whether he dies domiciled in Ontario or elsewhere,—
 - (a) where any property situate in Ontario passes on his death, duty shall be levied on such property in accordance with the dutiable value thereof;

(b)

- (b) where there is any transmission, duty shall be levied on the person to whom there is such transmission, with respect to such transmission, in accordance with the dutiable value thereof:
- (c) where any disposition, other than of realty situate outside Ontario, is made in Ontario on or after the 1st day of July, 1892, to any person who is resident in Ontario at the date of death of the deceased, duty shall be levied on such person, with respect to such disposition, in accordance with the dutiable value thereof:
- (d) where any disposition of any personal property, other than the property mentioned in subclauses ix and x of clause p of section 1, is made outside Ontario on or after the 8th day of March, 1937, to any person who is resident in Ontario at the time such disposition is made and at the date of death of the deceased and the deceased was domiciled in Ontario at the time such disposition is made and at the date of his death, duty shall be levied on the person to whom such disposition is made, with respect to such disposition, in accordance with the value thereof.

Rates of duty,— Preferred.

- 6.—(1) The duty levied by this Act shall be at the following rates, where the person who benefits by any property passing to him on the death of the deceased or to whom a disposition is made is the father, mother, husband, wife or a grandfather, grandmother, child, son-in-law or daughter-in-law of the deceased, and the aggregate value,—
 - (a) exceeds \$25,000 and does not exceed \$50,000—1 per centum plus 160 of 1 per centum for each full \$1,000 by which the aggregate value exceeds \$25,000;
 - (b) exceeds \$50,000 and does not exceed \$75,000—2½ per centum plus ⁴/₁₀₀ of 1 per centum for each full \$1,000 by which the aggregate value exceeds \$50,000;
 - (c) exceeds \$75,000 and does not exceed \$100,000—3½ per centum plus $\frac{1}{100}$ of 1 per centum for each full \$1,000 by which the aggregate value exceeds \$75,000;
 - (d) exceeds \$100,000 and does not exceed \$150,000—5 per centum plus $\frac{1}{100}$ of 1 per centum for each full \$1,000 by which the aggregate value exceeds \$100,000;

- (e) exceeds \$150,000 and does not exceed \$200,000—5½ per centum plus $\frac{1}{100}$ of 1 per centum for each full \$1,000 by which the aggregate value exceeds \$150,000:
- (f) exceeds \$200,000 and does not exceed \$300,000—6 per centum plus ¹/₁₀₀ of 1 per centum for each full \$2,000 by which the aggregate value exceeds \$200,000;
- (g) exceeds \$300,000 and does not exceed \$400,000— $6\frac{1}{2}$ per centum plus $\frac{1}{100}$ of 1 per centum for each full \$2,000 by which the aggregate value exceeds \$300,000:
- (h) exceeds \$400,000 and does not exceed \$500,000—7 per centum plus $_{7\delta v}$ of 1 per centum for each full \$2,000 by which the aggregate value exceeds \$400,000:
- (i) exceeds \$500,000 and does not exceed \$600,000— 7½ per centum plus τ¹/₆π of 1 per centum for each full \$2,000 by which the aggregate value exceeds \$500,000:
- (j) exceeds \$600,000 and does not exceed \$700,000—8 per centum plus τ_{00}^{1} of 1 per centum for each full \$2,000 by which the aggregate value exceeds \$600,000:
- (k) exceeds \$700,000 and does not exceed \$800,000— $8\frac{1}{2}$ per centum plus $\frac{1}{100}$ of 1 per centum for each full \$2,000 by which the aggregate value exceeds \$700,000:
- (l) exceeds \$800,000 and does not exceed \$900,000— 9 per centum plus $_{150}$ of 1 per centum for each full \$2,000 by which the aggregate value exceeds \$800,000:
- (m) exceeds \$900,000 and does not exceed \$1,000,000— $9\frac{1}{2}$ per centum plus $\frac{1}{100}$ of 1 per centum for each full \$2,000 by which the aggregate value exceeds \$900,000:
- (n) exceeds \$1,000,000 and does not exceed \$5,000,000— 10 per centum plus Too of 1 per centum for each full \$10,000 by which the aggregate value exceeds \$1,000,000;
- (o) exceeds \$5,000,000—14 per centum;

and in addition where the amount of the value of all the

property which so passes to and of the value of all dispositions made to, any one of the persons to whom this subsection applies, after allowance has been made for the debts, incumbrances and other allowances authorized by and in accordance with subsection 5 of section 2,—

- (aa) exceeds \$50,000 and does not exceed \$75,000— 1½ per centum plus x²₀ of 1 per centum for each full \$1,000 by which the amount exceeds \$50,000;
- (bb) exceeds \$75,000 and does not exceed \$100,000—2 per centum plus $\frac{2}{100}$ of 1 per centum for each full \$1,000 by which the amount exceeds \$75,000;
- (cc) exceeds \$100,000 and does not exceed \$150,000— 2½ per centum plus $\frac{1}{100}$ of 1 per centum for each full \$1,000 by which the amount exceeds \$100,000;
- (dd) exceeds \$150,000 and does not exceed \$300,000— 3 per centum plus $\frac{1}{160}$ of 1 per centum for each full \$3,000 by which the amount exceeds \$150,000;
- (ee) exceeds \$300,000 and does not exceed \$400,000— 3½ per centum plus ¹/₁₀₀ of 1 per centum for each full \$1,000 by which the amount exceeds \$300,000:
- (ff) exceeds \$400,000 and does not exceed \$500,000— 4½ per centum plus ¹/₆₀ of 1 per centum for each full \$2,000 by which the amount exceeds \$400,000;
- (gg) exceeds \$500,000 and does not exceed \$600,000— 5 per centum plus 100 f 1 per centum for each full \$2,000 by which the amount exceeds \$500,000;
- (hh) exceeds \$600,000 and does not exceed \$700,000— 5½ per centum plus ¹/₂₀ of 1 per centum for each full \$2,000 by which the amount exceeds \$600,000;
- (ii) exceeds \$700,000 and does not exceed \$750,000—6 per centum plus $\frac{1}{100}$ of 1 per centum for each full \$1,000 by which the amount exceeds \$700,000;
- (jj) exceeds \$750,000 and does not exceed \$800,000— 6½ per centum plus 100 of 1 per centum for each full \$1,000 by which the amount exceeds \$750,000;
- (kk) exceeds \$800,000 and does not exceed \$900,000—7 per centum plus $\frac{1}{100}$ of 1 per centum for each full \$2,000 by which the amount exceeds \$800,000;
- (ll) exceeds \$900,000 and does not exceed \$1,000,000-

 $7\frac{1}{2}$ per centum plus $\frac{1}{100}$ of 1 per centum for each full \$2,000 by which the amount exceeds \$900,000;

- (mm) exceeds \$1,000,000 and does not exceed \$1,200,000 —8 per centum plus $\frac{1}{100}$ of 1 per centum for each full \$4,000 by which the amount exceeds \$1,000,000;
- (nn) exceeds \$1,200,000 and does not exceed \$1,400,000— $8\frac{1}{2}$ per centum plus $\frac{1}{100}$ of 1 per centum for each full \$4,000 by which the amount exceeds \$1,200,000;
- (00) exceeds \$1,400,000 and does not exceed \$1,600,000— 9 per centum plus $\frac{1}{100}$ of 1 per centum for each full \$4,000 by which the amount exceeds \$1,400,000;
- (pp) exceeds \$1,600,000 and does not exceed \$1,800,000— $9\frac{1}{2}$ per centum plus $\frac{1}{160}$ of 1 per centum for each full \$4,000 by which the amount exceeds \$1,600,000;
- (qq) exceeds \$1,800,000 and does not exceed \$2,000,000— 10 per centum plus $\frac{1}{100}$ of 1 per centum for each full \$4,000 by which the amount exceeds \$1,800,000;
- (rr) exceeds \$2,000,000 and does not exceed \$2,200,000— 10½ per centum plus ¹/₁₀₀ of 1 per centum for each full \$4,000 by which the amount exceeds \$2,000,000;
- (ss) exceeds \$2,200,000 and does not exceed \$2,400,000— 11 per centum plus $\frac{1}{100}$ of 1 per centum for each full \$2,000 by which the amount exceeds \$2,200,000;
- (tt) exceeds \$2,400,000 and does not exceed \$2,600,000— 12 per centum plus $\frac{1}{100}$ of 1 per centum for each full \$2,000 by which the amount exceeds \$2,400,000;
- (uu) exceeds \$2,600,000 and does not exceed \$2,800,000—13 per centum plus $\frac{1}{100}$ of 1 per centum for each full \$2,000 by which the amount exceeds \$2,600,000:
- (vv) exceeds \$2,800,000 and does not exceed \$3,000,000— 14 per centum plus τ¹/₆σ of 1 per centum for each full \$2,000 by which the amount exceeds \$2,800,000; and
- (ww) exceeds \$3,000,000-15 per centum.
- (2) The duty levied by this Act shall be at the following Rates of duty,—rates, where the person who benefits by any property passing collaterals. to him on the death of the deceased or to whom a disposition is made is a lineal ancestor of the deceased, except the grandfather, grandmother, father or mother, or is a brother or sister of the deceased or a descendant of any such brother

or sister, or a brother or sister of the father or mother of the deceased or a descendant of any such brother or sister, and the aggregate value,—

- (a) exceeds \$10,000 and does not exceed \$30,000—5 per centum plus \(\frac{1}{100}\) of 1 per centum for each full \$1,000 by which the aggregate value exceeds \$10,000;
- (b) exceeds \$30,000 and does not exceed \$60,000—7 per centum plus \$\frac{10}{100}\$ of 1 per centum for each full \$1,000 by which the aggregate value exceeds \$30,000;
- (c) exceeds \$60,000 and does not exceed \$100,000—10 per centum plus Total of 1 per centum for each full \$1,000 by which the aggregate value exceeds \$60,000;
- (d) exceeds \$100,000 and does not exceed \$200,000—12 per centum plus $\frac{1}{100}$ of 1 per centum for each full \$1,000 by which the aggregate value exceeds \$100,000;
- (e) exceeds \$200,000 and does not exceed \$400,000—13 per centum plus $_{100}^{-1}$ of 1 per centum for each full \$2,000 by which the aggregate value exceeds \$200,000;
- (f) exceeds \$400,000 and does not exceed \$600,000—14 per centum plus $\frac{1}{100}$ of 1 per centum for each full \$2,000 by which the aggregate value exceeds \$400,000;
- (g) exceeds \$600,000 and does not exceed \$800,000—15 per centum plus $\tau_{\theta\sigma}^{\dagger}$ of 1 per centum for each full \$2,000 by which the aggregate value exceeds \$600,000;
- (h) exceeds \$800,000 and does not exceed \$1,000 000— 16 per centum plus $\frac{1}{100}$ of 1 per centum for each full \$2,000 by which the aggregate value exceeds \$800,000:
- (i) exceeds \$1,000,000—17 per centum;

and in addition where the amount of the value of all the property which so passes to and of the value of all dispositions made to, any one of the persons to whom this subsection applies, after allowance has been made for the debts, incumbrances and other allowances authorized by and in accordance with subsection 5 of section 2,-

(aa) exceeds \$10,000 and does not exceed \$60,000-

- $2\frac{1}{2}$ per centum plus $\frac{1}{100}$ of 1 per centum for each full \$1,000 by which the amount exceeds \$10,000;
- (bb) exceeds \$60,000 and does not exceed \$160,000— 3 per centum plus $\frac{1}{100}$ of 1 per centum for each full \$2,000 by which the amount exceeds \$60,000;
- (cc) exceeds \$160,000 and does not exceed \$200,000— $3\frac{1}{2}$ per centum plus $\frac{1}{6}$ of 1 per centum for each full \$4,000 by which the amount exceeds \$160,000;
- (dd) exceeds \$200,000 and does not exceed \$300,000—4 per centum plus $\frac{1}{100}$ of 1 per centum for each full \$2,000 by which the amount exceeds \$200,000;
- (ee) exceeds \$300,000 and does not exceed \$350,000— $4\frac{1}{2}$ per centum plus $\frac{1}{100}$ of 1 per centum for each full \$1.000 by which the amount exceeds \$300,000;
- (ff) exceeds \$350,000 and does not exceed \$450,000—5 per centum plus $\tau_{00}^{\frac{1}{2}}$ of 1 per centum for each full \$2,000 by which the amount exceeds \$350,000;
- (gg) exceeds \$450,000 and does not exceed \$500,000—5½ per centum plus $\frac{1}{100}$ of 1 per centum for each full \$1,000 by which the amount exceeds \$450,000;
- (hh) exceeds \$500,000 and does not exceed \$600,000—6 per centum plus $\frac{1}{100}$ of 1 per centum for each full \$2,000 by which the amount exceeds \$500,000;
- (ii) exceeds \$600,000 and does not exceed \$700,000— $6\frac{1}{2}$ per centum plus $\frac{1}{100}$ of 1 per centum for each full \$2,000 by which the amount exceeds \$600,000;
- (jj) exceeds \$700,000 and does not exceed \$800,000—7 per centum plus $\frac{1}{100}$ of 1 per centum for each full \$2,000 by which the amount exceeds \$700,000;
- (kk) exceeds \$800,000 and does not exceed \$900,000—7½ per centum plus $_{1}^{+}$ $_{0}^{-}$ of 1 per centum for each full \$2,000 by which the amount exceeds \$800,000;
- (ll) exceeds \$900,000 and does not exceed \$1,000,000— 8 per centum plus 100 f 1 per centum for each full \$1,000 by which the amount exceeds \$900,000;
- (mm) exceeds \$1,000,000 and does not exceed \$1,500,000 —9 per centum plus $\frac{1}{100}$ of 1 per centum for each full \$5,000 by which the amount exceeds \$1,000,000;

- (nn) exceeds \$1,500,000 and does not exceed \$2,000,000— 10 per centum plus ¹/₁₀₀ of 1 per centum for each full \$5,000 by which the amount exceeds \$1,500,000;
- (00) exceeds \$2,000,000 and does not exceed \$2,500,000—
 11 per centum plus $\frac{1}{100}$ of 1 per centum for each full \$5,000 by which the amount exceeds \$2,000,000;
- (pp) exceeds \$2,500,000 and does not exceed \$3,000,000— 12 per centum plus $\frac{1}{100}$ of 1 per centum for each full \$5,000 by which the amount exceeds \$2,500,000; and
- (qq) exceeds \$3,000,000—13 per centum.

Rates of duty,—strangers.

- (3) The duty levied by this Act shall be at the following rates, where the person who benefits by any property passing to him on the death of the deceased or to whom a disposition is made is a person other than those to whom subsections 1 and 2 apply, and the aggregate value,—
 - (a) exceeds \$5,000 and does not exceed \$10,000—7½ per centum plus 1 per centum for each full \$1,000 by which the aggregate value exceeds \$5,000;
 - (b) exceeds \$10,000 and does not exceed \$50,000—12½ per centum plus 150 of 1 per centum for each full \$800 by which the aggregate value exceeds \$10,000;
 - (c) exceeds \$50,000 and does not exceed \$100,000—15 per centum plus $_{7.60}^{6}$ of 1 per centum for each full \$1,000 by which the aggregate value exceeds \$50,000;
 - (d) exceeds \$100,000 and does not exceed \$200,000— $17\frac{1}{2}$ per centum plus $\frac{5}{100}$ of 1 per centum for each full \$2,000 by which the aggregate value exceeds \$100,000;
 - (e) exceeds \$200,000 and does not exceed \$300,000—20 per centum plus $\frac{1}{100}$ of 1 per centum for each full \$2,000 by which the aggregate value exceeds \$200,000;
 - (f) exceeds \$300,000 and does not exceed \$400,000— $22\frac{1}{2}$ per centum plus $\frac{1}{100}$ of 1 per centum for each full \$2,000 by which the aggregate value exceeds \$300,000;
 - (g) exceeds \$400,000 and does not exceed \$500,000—25 per centum plus $\frac{1}{100}$ of 1 per centum for each full \$2,000 by which the aggregate value exceeds \$400,000;

- (h) exceeds \$500,000 and does not exceed \$600,000— $27\frac{1}{2}$ per centum plus $\frac{5}{100}$ of 1 per centum for each full \$2,000 by which the aggregate value exceeds \$500,000:
- (i) exceeds \$600,000 and does not exceed \$700,000—30 per centum plus $\frac{5}{100}$ of 1 per centum for each full \$2,000 by which the aggregate value exceeds \$600,000:
- (j) exceeds \$700,000 and does not exceed \$800,000— $32\frac{1}{2}$ per centum plus $\frac{8}{100}$ of 1 per centum for each full \$2,000 by which the aggregate value exceeds \$700,000; and
- (k) exceeds \$800,000—35 per centum.
- (4) A surtax of fifteen per centum of the amount ascertained Surtax according to subsection 1, of twenty per centum of the amount ascertained according to subsection 2 and of twenty-five per centum of the amount ascertained according to subsection 3, shall be levied, added to and paid with such respective amounts as duty.
- 7. The Lieutenant-Governor in Council may provide that Allowance where estate, legacy or succession duty is paid in any juris-paid else-diction other than Ontario on property in respect of which same there is a transmission, with respect to which duty is levied, each an allowance shall be made on account of the payment of such duty, provided that this section shall apply only to such other province of Ontario.
- 8.—(1) On the death of any person, whether he dies consent. domiciled in Ontario or elsewhere, unless the consent in writing of the Treasurer is obtained,—
 - (a) no bank, trust company, insurance company or other corporation, having its head office, principal place of business, office from which payments are made, register of transfers, or any place of transfer, in Ontario, shall deliver, assign, transfer or pay, or permit the delivery, assignment, transfer or payment of,—
 - (i) any property situate in Ontario in which the deceased, at the time of his death, had any beneficial interest; or
 - (ii) any money payable as a result of death under any contract of insurance either effected, contracted for or applied for by the deceased, or in which the deceased had at the time of his death any interest, where the debt resulting in the payment of such money was situate in

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Ontario at the date of death of the deceased, provided that this subclause shall not apply to any money payable as mentioned in clause h of section 3; and

(b) no person in Ontario, other than a person acting in the capacity of administering the property passing on the death of the deceased, shall deliver, assign, transfer or pay or permit the delivery, assignment, transfer or payment of any property in which the deceased had at the time of his death any beneficial interest.

Payment t insurance policies, where no consent necessary. (2) Notwithstanding anything contained herein, any insurance company may make payment not exceeding \$1,100 due under any contract or contracts of insurance mentioned in subsection 1 without the consent of the Treasurer and where such payment exceeds \$600 notice of such payment shall be transmitted forthwith to the Treasurer.

Payment of joint accounts.

(3) Notwithstanding anything contained herein, any one branch of any bank, trust company, insurance company or other corporation or any one person may pay to the survivor one-half or \$500, whichever is the lesser, of the money to which such survivor is entitled in a joint deposit account standing in the name of the deceased and any person, without the consent of the Treasurer and notice of such payment shall be transmitted forthwith to the Treasurer.

Penalties.

(4) Every bank, trust company, insurance company or other corporation and every other person who fails to comply with this section shall be guilty of an offence and shall, for each offence, incur a penalty of \$1,000 and an amount not exceeding the amount of duty levied on or with respect to the transmission or disposition of any property dealt with in contravention of this section.

Safety deposit **9.**—(1) No person shall, without the consent in writing of the Treasurer, open or permit the opening of any safety deposit box or other repository in Ontario or remove or permit the removal from Ontario of any such safety deposit box or other repository, or withdraw or permit the withdrawal of anything from any such safety deposit box or other repository where such safety deposit box or other repository stands in the name of the deceased either alone or jointly with any person, or in the name of any member of the family of the deceased either alone or jointly with any person or where the deceased or any member of his family had access or right of access, directly or indirectly, to any such safety deposit box or other repository.

Penalties.

(2) Every person who fails to comply with this section

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shall be guilty of an offence and shall, for each offence, incur a penalty of \$1,000 and an amount not exceeding the amount of duty levied on or with respect to the transmission or disposition of anything withdrawn in contravention of this section.

- 10.—(1) Every person resident in Ontario at the date of Liability for death of the deceased who benefits by any property situate in interest Ontario passing to him on the death of the deceased shall be liable for the duty levied on such property, together with such interest as may be payable thereon.
- (2) Every person on whom duty is levied shall be liable for such duty, together with such interest as may be payable thereon.
- 11. The duty levied by this Act shall be paid to the Duty payable to Treasurer.
- **12**.—(1) Every person who benefits by any property Filing situate in Ontario passing to him on the death of the deceased affidavit. or to whom there is a transmission, or to whom a disposition is made, shall within three months after the death of the deceased. or within such further period as may be allowed by the Treasurer, make and file with the Treasurer an affidavit containing.—
 - (a) an inventory of all the property passing to him on the death of the deceased and particulars of all dispositions made to him, of all the property passing on the death of the deceased and particulars of all dispositions made to any other person of which he has knowledge, and such inventory shall show the value of such property and dispositions; and
 - (b) his name and the names of all such other persons, his and their places of residence and the degrees of relationship in which he and they stand to the deceased.
- (2) The applicant for probate, letters of administration Filing inventory, etc., or other grant, shall at the time of making application make before and file with the surrogate registrar of the county or district probate. in which the application is made, an affidavit containing,—
 - (a) an inventory of all the property passing on the death of the deceased and particulars of all dispositions and such inventory shall show the value of such property and dispositions; and
 - (b) the name of every person who benefits by any property passing on the death of the deceased or to

whom a disposition is made, the place of residence of such person and the degree of relationship in which such person stands to the deceased.

Penalty

(3) Every person in Ontario who makes default in complying with subsection 1 or 2 shall incur a penalty of \$10 for each day during which the default continues.

Non-disclosure, penalties therefor.

13. Every person in Ontario mentioned in subsections 1 and 2 of section 12 who fails to disclose to the Treasurer any property passing on the death of the deceased or any disposition which such person is required to disclose shall pay to the Treasurer as a penalty an amount equal to one hundred per centum of the amount of the duty levied on such property or with respect to the transmission of such property or with respect to such disposition, and in addition shall pay to the Treasurer as a further penalty the sum of \$1 per day for each full \$1,000 in excess of \$1,000 in value of such property or disposition up to \$10 per day for each day of the period commencing with the day on which an affidavit purporting to be the affidavit required by subsection 1 or 2 of section 12 was filed and ending on the day on which it becomes known to the Treasurer that such property or disposition was not so disclosed, provided that the amount of such last mentioned penalty shall not exceed the value of such property or disposition.

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ity for **14.**—(1) The Treasurer may accept security satisfactory to him for the payment of any duty.

Interest on cash security.

(2) The Treasurer may allow interest at a rate not exceeding three per centum per annum upon the amount by which any cash security from time to time exceeds the amount of duty which has become payable.

When duty payable, general.

15.—(1) Unless otherwise provided herein, duty shall be due at the death of the deceased and paid within six months thereafter and if the duty or any part thereof is paid within such period no interest shall be chargeable or payable on the amount so paid.

When duty payable, annuities.

(2) Where any annuity, term of years, life estate or income is created by the will of the deceased or by any disposition, the duty for which any person who benefits by such property, term of years, life estate or income is liable with respect thereto shall, unless otherwise provided herein, be paid in four equal annual instalments at the end of one, two, three and four years respectively after the death of the deceased.

When duty payable, interest in expectancy of (3) Where the deceased had any interest in expectancy the duty levied on such interest in expectancy or on the person

to whom there is a transmission or to whom a disposition is made of such interest in expectancy may be paid as provided by subsection 1 or in the manner provided by subsection 5 or 7.

- (4) Where any interest in expectancy is created by the will When duty of the deceased or by any disposition, the duty for which any interest in person who benefits by such interest in expectancy is liable created by with respect thereto may be paid as provided by subsection 1 deceased. or in the manner provided by subsection 5 or 7.
- (5) The duty mentioned in subsections 3 and 4 if not paid When duty mystable, within the time provided by subsection 1 shall be due when interest such interest in expectancy falls into possession and shall be taney in paid within three months thereafter on the basis of the value possession at the date of falling into possession of the property in respect to which such interest in expectancy existed and no deduction shall be made for any duty paid on or with respect to any prior interest, income or annuity arising out of the property in respect of which such interest in expectancy exists.
- (6) Notwithstanding the provisions of subsections 3, 4, 5 When duty and 7, the duty mentioned in subsections 3 and 4 may, with Payable in the consent of the Treasurer, be paid after the time provided before by subsection 1 and before such interest in expectancy falls possession into possession and shall be on the basis of the value of such interest in expectancy ascertained as provided herein, as at the date when such consent is given and no deduction shall be made for any duty paid on or with respect to any prior interest, income or annuity arising out of the property in respect of which such interest in expectancy exists.
- (7) Where any interest in expectancy or any part of any When duty interest in expectancy is an annuity, term of years, life estate interest in or income, the duty levied on such interest in expectancy or expectancy part thereof or on the person to whom there is a transmission etc. or to whom a disposition is made of such interest in expectancy or part thereof, if not sooner paid shall be paid in four equal annual instalments at the end of one, two, three and four years respectively after the date when such annuity, term of years, life estate or income commenced to be enjoyed.
- 16.—(1) If the duty mentioned in subsection 1 of section Interest on 15, or any part thereof, is not paid within the time provided subs. 1 of therein, interest at the rate of five per centum per annum from the date of death of the deceased shall be charged and paid on the amount from time to time unpaid.
- (2) If any instalment of duty, mentioned in subsection 2 of Interest on section 15, or any part thereof, is not paid within the times subs. 2 of $_{\rm a}$ thereof.

provided therein, interest at the rate of five per centum per annum from the date when such instalment became payable shall be charged and paid on the amount of such instalment from time to time unpaid.

Interest or duty in subs. 5 of s. 15. (3) If the duty mentioned in subsection 5 of section 15, or any part thereof, is not paid within three months after the interest in expectancy falls into possession, interest at the rate of five per centum per annum from the date of falling into possession shall be charged and paid on the amount from time to time unpaid.

Interest on duty in subs. 7 of

(4) If any instalment of duty, mentioned in subsection 7 of section 15, or any part thereof, is not paid within the times provided therein, interest at the rate of five per centum per annum from the date when such instalment became payable shall be charged and paid on the amount of such instalment from time to time unpaid.

Payment of duty where general power of appointment.

17. Where a general power to appoint any property either by instrument *inter vivos* or by will or both, is given to any person, the duty levied on such property or on the person to whom a disposition is made in respect of such property, shall be paid in the same manner as if the property had been devised or bequeathed to the person to whom such power is given.

Application of payment on account.

18. Any payment, other than a payment of penalties, made to the Treasurer under this Act shall first be applied on any interest which may be payable on the duty.

Lien on property.

19.—(1) Where any duty is levied on property passing on the death of the deceased, such duty or so much thereof as remains unpaid, with interest thereon, shall be and remain a first lien and charge on such property until paid or a certificate is given under section 38 discharging such property.

Lien with respect to disposition. (2) The duty levied on any person to whom a disposition is made, with respect to such disposition, shall be and remain a first lien and charge on the property in Ontario at the date of death of the deceased in respect of which the disposition is made where such property is owned at the date of death of the deceased by the person to whom the disposition is made, until paid or a certificate is given under section 38 discharging such property.

Caution.

(3) The Treasurer may cause to be registered in the proper registry office or office of land titles, as the case may be, a caution claiming duty levied on any land, mortgage or charge or on any person to whom any disposition in respect of any such land, mortgage or charge is made.

- (4) Subject to the provisions of sections 8 and 9 of this Where no Act, section 56 of The Registry Act and section 62 of The lien. Act, and notwithstanding any other provisions cc. 170, 174. of this or any other Act, any property passing on the death of the deceased or any property in respect of which a disposition is made which has been acquired by or transferred to any person in good faith for valuable consideration without notice, shall not be subject to any lien or charge for duty or interest under this Act.
- 20. Where any duty is paid before the time provided Interest allowed on for payment thereof, the Treasurer may allow interest upon pre-paythe amount so paid at a rate not exceeding three per centum per annum from the time of payment until the time so provided for payment.
- 21. The Lieutenant-Governor in Council, upon proof to Extension of time by his satisfaction that payment of duty within the time pro-order-invided for payment thereof would be unduly onerous, may Council. extend the time for payment to such date and upon such terms as he may deem proper.
- 22. The Lieutenant-Governor in Council, upon proof to Duty overhis satisfaction that an overpayment of duty has been made, refunded in may refund the amount of such overpayment together with certain cases, interest thereon at a rate not exceeding three per centum per annum from the date of the making of such overpayment to the date on which such amount is refunded, provided no such Proviso. refund shall be made after the expiration of one year from the receipt by the Treasurer of an amount purporting to be in full settlement of the duty.
- 23.—(1) Where property passing on the death of the de-Tressuer ceased includes bonds, debentures, inscribed stock or other payment to securities of the Province of Ontario issued under the problemate in visions of any statute of Ontario exempting them from duty, duty free then notwithstanding any declaration or provision made by will or otherwise by the deceased, the Treasurer may require that such bonds, debentures, inscribed stock or other securities or so much thereof as may be necessary shall be delivered to him and applied in payment of or on account of the duty payable by the persons to whom such bonds, debentures, inscribed stock or other securities pass, and such bonds, debentures, inscribed stock or other securities pass, and such bonds, debentures, inscribed stock or other securities shall be so applied at their value on the date of death of the deceased.
- (2) Where property passing on the death of the deceased Indeteleteness includes bonds, debentures, inscribed stock or other securities charged to of the Province of Ontario issued under any statute of Ontario securities. exempting them from duty, and there is no specific bequest thereof, such bonds, debentures, inscribed stock or other

securities shall, for the purposes of this Act, be deemed to be distributed among the heirs, legatees, beneficiaries or next-of-kin in the same ratio as they share in the property not specifically bequeathed, and shall be directly chargeable with any indebtedness for which they are pledged as collateral or other security and shall bear pro rata, a proportion of the other debts and deductions authorized by subsection 5 of section 2.

Succession Duty.

etc., not personally

24.-(1) An executor or trustee, as such, shall not be personally liable for any duty, but an executor, trustee or person in Ontario in whom any property passing on the death of the deceased or any property in respect of which a disposition is made, is at any time after the death of the deceased vested, or who has the management or control thereof, shall not transfer any such property to the person beneficially entitled thereto without deducting therefrom or collecting an amount sufficient to pay the duty and interest for which such person is liable.

Penalty.

(2) Any such executor, trustee or person who transfers any such property without so deducting or collecting the amount for which the person beneficially entitled thereto is liable, shall pay to the Treasurer as a penalty an amount equal to one hundred and fifty per centum of the amount of such duty, provided that any such executor, trustee or person shall not be liable for such penalty if he so deducts from the property transferred or so collects an amount sufficient to pay the duty and interest for which the person beneficially entitled thereto is liable as claimed in a statement made pursuant to subsection 1 of section 31 or in any other claim made by the Treasurer or as determined by any court.

Money to (3) Any executor or trustee or any person who has any to Treasurer money for the payment of duty, interest or penalties shall be deemed to be a person who has received money for the Crown or for which he is accountable to the Crown within the

Rev. Stat., c. 23, meaning of The Public Revenue Act.

funds for duty.

(4) Any person who may be required under the provisions of the will of the deceased or any trust created by the deceased to pay the duty levied on any property which has come into his possession, or is vested in him or is under his control, or levied on any person to whom there is a transmission of any such property or to whom a disposition of any such property is made, shall, for the purpose of paying such duty or raising the amount of the duty when already paid, have power to raise the amount of such duty and any interest and expense properly incurred by him in respect thereof, by sale, mortgage,

lease or pledge, of so much of such property as may be necessary for such purpose.

- 25.—(1) The Treasurer may make any examination, in Inquiry by Treasurer. vestigation or inquiry concerning any fact, practice, transaction or matter, which he in his absolute discretion may consider necessary for the purpose of obtaining information to ascertain whether any duty, interest or penalties are or may be due or payable, and if so the amount thereof.
- (2) Where the Treasurer for any reason is not satisfied special investigator. that he is in possession of all facts necessary to ascertain whether any duty, interest or penalties are or may be due or payable, he may appoint a special investigator to make on his behalf any examination, investigation or inquiry, which the special investigator in his absolute discretion may consider necessary for the purpose of obtaining information in order that the Treasurer may ascertain whether any duty, interest or penalties are or may be due or payable, and if so the amount thereof.
- (3) A copy of the appointment of a special investigator Service of appointmay be served on any person at any time.
- (4) The Treasurer or a special investigator shall have power Further to require any person to give him any information and to produce to him any document, record and thing, which he in his absolute discretion may consider necessary for the purpose of obtaining information in order that the Treasurer may ascertain whether any duty, interest or penalties are or may be due or payable, and if so the amount thereof.
- 26.—(1) Where the Treasurer for any reason is not satisfied Commisthat he is in possession of all facts necessary to ascertain whether any duty, interest or penalties are or may be due or payable, he may appoint a commissioner to make on his behalf any examination, investigation or inquiry which the commissioner in his absolute discretion may consider necessary for the purpose of obtaining information in order that the Treasurer may ascertain whether any duty, interest or penalties are or may be due or payable, and if so the amount thereof.
- (2) A copy of the appointment of a commissioner may be Service of appointserved on any person at any time.
- (3) The commissioner shall have the same power to ad-Further powers. minister oaths, summon and enforce the attendance of witnesses and to compel them to give evidence on oath and to produce any document, record and thing as is vested in any court in civil cases, provided that the commissioner shall not Proviso.

be bound by the provisions of rules of court or of law relating to the service of subpoenas on and of payment of conduct money or witness fees to witnesses.

Evidence

(4) A judge of the Supreme Court of Ontario may on the application of the commissioner, make an order that the evidence of any person shall be taken de bene esse or that it shall be taken out of Ontario by commission or otherwise in the like circumstances and with the like effect as a similar order may be made in an action in such court.

Conduct of proceedings by commissioner.

(5) The proceedings before a commissioner shall be conducted at such place, at such time, in such manner and either in public or otherwise as the commissioner may determine.

Record of proceedings.

(6) A record of the proceedings before a commissioner shall be made in shorthand and shall be transcribed on the order of the Treasurer or the commissioner or, with the consent of the commissioner, on the order of any person concerned upon payment of the reporter's charges therefor.

sioner's

(7) The commissioner shall within thirty days after the completion of the examination, investigation or inquiry, or within such further period as the Treasurer may allow, report in writing to the Treasurer.

Powers of Treasurer, investigator be re-stricted.

27. The powers conferred on the Treasurer, any special investigator or any commissioner shall not be restricted in sioner not to any manner either as to person, as to subject matter of inquiry or otherwise and such powers may be exercised whether or not any duty has been paid and whether or not any duty, interest and penalties are or may be due or payable under this or any Act in force at the date of death of the deceased and no person shall be excused from giving any evidence, answering any question, furnishing any information or producing any document, record or thing on any such examination, investigation or inquiry on the ground that such evidence, question, information, document, record or thing may not be relevant

28.—(1) Every person shall answer any question, furnish and produce any information and produce any document, record and thing asked or required of him by the Treasurer or a special investigator.

Duty to give evidence,

(2) Every person shall appear and give evidence on oath, answer any question, furnish any information and produce any document, record and thing asked or required of him by a commissioner.

Privilege.

(3) No person to whom subsection 1 or 2 applies shall be entitled to claim any privilege in respect of any information, question, document, record or thing.

- 29. No person in Ontario after being served with a copy Destroying, of the appointment of a special investigator or of a com-property, missioner shall, without the consent in writing of the Treasurer, destroy, mutilate, deface or alter, or permit the destruction, mutilation, defacement or alteration of, or conceal, or cause or permit the concealment of, or remove, or cause or permit the removal from Ontario of.—
 - (a) any property passing on the death of the deceased or any property in respect of which a disposition is made, or any muniment or evidence of title to or of interest in any such property;
 - (b) any property, muniment or evidence of title or interest belonging to or in the possession of any executor or trustee relating to any property passing on the death of the deceased or to any disposition;
 - (c) any property, muniment or evidence of title or interest belonging to or in the possession of any person who may be liable for duty; or
 - (d) any books, records, memoranda, documents or papers relating to anything mentioned in this section.

30.—(1) Where the Treasurer in his absolute discretion believes that any property, security, muniment or evidence of title or interest, safety deposit box or other repository mentioned in this subsection is about to be removed from Ontario or to be dissipated, and is not satisfied that all duty, interest or penalties which are or may be due or payable under this or any Act in force at the date of death of the deceased have been fully paid, he may in writing or by telegram direct any person in Ontario having on deposit, in custody, under control or in safe-keeping in Ontario,—

- (a) any property, security, muniment or evidence of title to or of interest in any property passing on the death of the deceased;
- (b) any property, security, muniment or evidence of title to or of interest in any property in respect of which a disposition is made; or
- (c) any safety deposit box or other repository containing any property passing on the death of the deceased or any property in respect of which a disposition is made, or any property, security, muniment or evidence of title relating to any property passing on the death of the deceased or any property in respect of which a disposition is made, in the name of, belonging to or in the possession of any executor or trustee, or any safety deposit box or other repository or any

property, security, muniment or evidence of title in the name of, belonging to or in the possession of any person who may be liable for duty;

to hold such property, security, muniment or evidence of title or interest, safety deposit box or other repository, or such part thereof as is mentioned in such direction until the Treasurer in writing revokes such direction.

Duty of Treasurer to proceed; duration of stop-order.

(2) The Treasurer shall, upon giving such direction, proceed with due dispatch in order that the amount of duty, interest and penalties may be ascertained, and unless within one year after giving such direction the Treasurer serves a statement as provided by subsection 1 of section 31 or commences an action under section 34 and gives notice thereof to the person to whom the direction was given, he shall, at the end of such year, revoke such direction.

Treasurer may modify.

(3) The Treasurer may at any time modify any such direction.

Treasurer' statement.

- 31.—(1) (a) Where as a result of information obtained by the Treasurer under section 12, 25 or 26 or from any other source or in any other manner, it appears that duty, interest or penalties are or may be due and payable he may serve any person by whom such duty, interest or penalties are claimed to be payable with a statement showing the amount of duty, interest and penalties so claimed to be payable and particulars as to the computation thereof.
- (b) Where any person by whom duty or interest is claimed to be payable is deceased, such statement may be served on his personal representative.

Idem.

(2) Where service has been made under subsection 1, the Treasurer shall also serve a copy of such statement on any of the persons acting in the administration of the property passing on the death of the deceased or of any property in respect of which there is a disposition.

Notice of

(3) Unless the duty, interest and penalties claimed in such statement are sooner paid, the person by whom such duty, interest or penalties are claimed to be payable shall within one month after being served with such statement, serve the Treasurer with notice of appeal setting out his objection to such statement and the reasons therefor and giving an address in Ontario for service.

Treasurer's
notice of
decision.

(4) The Treasurer shall within one month after the service of such notice of appeal serve the appellant with notice of his decision setting out therein that he confirms or amends such statement and the nature and particulars of any amendment.

- (5) If the appellant is dissatisfied with the Treasurer's Notice of decision he shall within one month after the service of such faction. notice of decision, serve the Treasurer with notice of dissatisfaction setting out therein any further facts, statutory provisions and reasons in support of his appeal as he may see fit.
- (6) The Treasurer shall within two months after the service Reply. of such notice of dissatisfaction serve the appellant with a reply confirming or amending the amount of duty, interest or penalties set out in such statement or in such notice of decision, and may set out therein the grounds upon which such reply is based.
- (7) Within one month after the service of such reply the Payment. appellant shall pay to the Treasurer such part as the Treasurer may require of the amount of duty and interest claimed to be payable by the appellant which are claimed to have become payable and shall furnish security, satisfactory to the Treasurer, for the payment of any such duty which has not become payable.
- (8) Within ten days after compliance with the provisions security for of subsection 7 the appellant shall give security for costs in a distance sum not less than \$200 and not more than \$1,000 to the satisfaction of the Treasurer and shall also within such period of ten days file with the local registrar of the Supreme Court of Ontario for the county or district in which the deceased resided at the date of his death, or where the deceased died resident outside Ontario, with the registrar of such court, true copies of the following documents,—
 - Such affidavit required by subsection 1 or 2 of section 12 or such statement required to be filed under like provisions of any Act heretofore in force as has been filed
 - 2. Such affidavit of debts as has been filed.
 - 3. Statement of Treasurer.
 - 4. Notice of appeal.
 - 5. Notice of decision.
 - 6. Notice of dissatisfaction.
 - 7. Reply.
- (9) (a) The documents so filed shall constitute the record Record; and the proceedings shall thereupon become a cause in the Supreme Court of Ontario and may be set down or entered for trial by the appellant or by the Treasurer according to the rules of such court and shall thereafter be proceeded with in the same manner as an action in such court, and the practice and procedure of such court relating to actions to which His Majesty is a party, including any right of appeal, and the practice and procedure relating to appeals shall thereafter apply to such cause.

- (b) Notwithstanding anything contained in the Rules of the Supreme Court of Ontario, the Treasurer or the appellant may at any time before the conclusion of the hearing of the cause amend the documents served by him once without leave.
 - (c) The cause shall be styled:

"In the matter of The Succession Duty Act, 1939, and in the matter of the estate of, deceased, and in the matter of, of the of....., in the County of...., Appellant."

of judgment

(10) Every judgment or order given or made in any such cause may be enforced in the same manner and by the like process as a judgment or order given or made in an action in the Supreme Court of Ontario and if as the result of any order or judgment it appears that the appellant has overpaid the amount of duty, interest or penalties for which he is liable, the Lieutenant-Governor in Council shall, subject to any order as to costs, refund the amount of such overpayment to the appellant together with interest thereon at a rate not exceeding three per centum per annum from the date of the making of such overpayment to the date on which such amount is refunded.

Extension of time.

(11) Where the deceased dies domiciled outside Ontario or where the appellant resides outside Ontario, the times limited by subsections 3, 5 and 7 shall be extended by the Treasurer for such period as may appear to him to be reasonable and proper, and in such case the period of extension shall be shown in the statement served pursuant to subsections 1 and 2.

Service,-how effected.

(12) Service under this section may be effected personally or by mailing by prepaid registered post addressed to the Treasurer, Parliament Buildings, Toronto, Ontario, and to the appellant addressed to the address set out in his notice of appeal, as the case may be, provided that in the case of a statement to be served under subsections 1 and 2 such service may be effected personally or by mailing such statement by prepaid registered post addressed to the person to be served at his last known address.

Interpre-

(13) In this section and in sections 32 and 33 "appellant" shall mean the person who serves notice of appeal.

Warrant.

32.—(1) If the appellant neglects or refuses to comply with the provisions of subsection 3, 5 or 7 of section 31, the Treasurer may issue a warrant in the form prescribed by the regulations directed to the sheriff of any county or district in which any property of the appellant is situate for the amount, other than penalties, claimed by the Treasurer to have become appellant.

payable by the appellant in the statement served pursuant to subsection 1 of such section, or in the notice of decision served pursuant to subsection 4 of such section, where by such notice of decision the amount has been amended, or in the reply served pursuant to subsection 6 of such section where by such reply the amount has been further amended, together with interest thereon from the date of the issue of the warrant, and for the costs, expenses and poundage of the sheriff, and such warrant shall have the same force and effect as a writ of execution issued out of the Supreme Court of Ontario.

(2) If the appellant, having complied with the provisions of Non-compliance subsection 7 of section 31, neglects or refuses to comply with by appellant. the provisions of subsection 8 of such section, he shall be deemed to have admitted all amounts claimed by the Treasurer, and the amount paid pursuant to subsection 7 of such section shall be retained by the Treasurer, and the Treasurer may issue a like warrant as is mentioned in subsection 1 for such part of the amount, other than penalties, claimed by the Treasurer to have become payable by the appellant but which has not been so paid, and the Treasurer may realize any security given by the appellant for the balance of the amount claimed, and if the appellant has paid all the amount claimed by the Treasurer to have become payable, the amount, if any,

paid into court as security for costs shall be paid out to the

33.—(1) If the Treasurer fails to comply with the pro-Default by visions of subsection 4 or 6 of section 31, the appellant may, by complying with the remaining provisions of such section, proceed to trial.

- (2) The Treasurer may at any time prior to compliance Discontinuance by the appellant with subsection 7 of section 31 serve on the appellant a notice of discontinuance stating that he withdraws the statement served pursuant to subsection 1 of such section and any subsequent proceedings taken by him under such section, and such withdrawal shall not limit or affect his right to proceed with or to exercise all or any of the powers, rights and remedies, including those mentioned in section 31, conferred by this Act and the statement so withdrawn shall, for the purposes of subsection 2 of section 30, be deemed not to have been served.
- (3) Notwithstanding any judgment given or order made in Further any cause under section 31 or in any action under this Act, if it shall appear to the Treasurer that any property or disposition is not included in the claim in the proceedings leading to such judgment or order, the Treasurer may proceed with or exercise all or any of the powers, rights and remedies, including those mentioned in section 31, conferred by this Act for the

purpose of collecting any duty levied on such property not so included, or levied on any person to whom there is a transmission of any such property, with respect to such transmission, or levied on any person to whom any disposition not so included is made, with respect to such disposition, together with any interest thereon and any penalties for which the person to whom such property passes or to whom such disposition is made, is liable.

Recovery of duty and interest by action.

34.—(1) Notwithstanding anything contained in this or any other Act, any duty and interest payable under the provisions of this Act and any penalties imposed under sections 12 and 13 of this Act may be recovered with costs as a debt due to His Majesty represented by the Treasurer from any person liable therefor by action in any court of competent jurisdiction.

Discovery.

(2) In any cause under section 31 or in any action under this Act any person or any officer or servant of any corporation, whether or not such person or corporation is a party to such cause or action, may be examined upon oath and shall make production upon oath of any documents, records or things which may be in the possession or under the control of such person or corporation in the same manner as a party to an action in the Supreme Court of Ontario may be required to attend for examination and to make production, provided that this subsection shall not apply to the Treasurer or any officer or servant of the Crown.

Proviso.

False statements. 35. No person shall make any false statement in any return, instrument, letter, note, telegram or other document required by, filed with, mailed or furnished to the Treasurer or any officer or employee of the Government of Ontario in connection with any of the provisions of this or of any Act heretofore in force relating to duty, not under oath or affirmation or in a statutory declaration.

Preservation of records.

36. No executor or trustee in Ontario having in his custody any books, records, memoranda, documents or papers relating to any property passing on the death of the deceased or to any disposition, where the aggregate value exceeds \$50,000, shall, without the consent in writing of the Treasurer, destroy, mutilate, deface or alter, or cause or permit the destruction, mutilation, defacement or alteration of, or remove or cause or permit the removal from Ontario of, any such books, records, memoranda, documents or papers.

Penalty for certain offences.

37. Every person who fails to comply with the provisions of subsection 1 or 2 of section 28, section 29, subsection 1 of section 30, section 35 or 36 shall be guilty of an offence and shall, for each offence, be liable to a penalty not exceeding \$10,000 or to imprisonment for a period not exceeding two years, or to both fine and imprisonment.

38. When an amount purporting to be in full payment Certificate of discharge. of the duty levied on property situate in Ontario or on any person to whom a disposition of such property is made, with respect to such disposition, has been paid together with any interest on such duty, the Treasurer shall, upon request, give a certificate discharging such property from any lien or charge for duty and interest.

Succession Duty.

- 39. Whether or not any amount purporting to be on Treasurer's account or in full payment of any duty, interest or penalties proceed. has been paid or any Treasurer, officer or servant of the Crown has at any time received or acknowledged to have received any amount purporting to be on account or in full payment of any duty, interest or penalties due and payable under this or any Act in force at the date of death of the deceased, the Treasurer may proceed with or exercise all or any of the powers, rights and remedies, including those mentioned in section 31, conferred by this Act for the purpose of collecting any duty, interest or penalties which should have been paid under this Act or under the provisions of any Act in force at the date of death of the deceased which are by this Act made applicable.
- **40**. Where the material and information furnished to the Where no Treasurer is full and true in all respects and contains all facts duty after necessary for the purposes of this Act, then notwithstanding anything contained in this or any other Act, no claim shall be made against any person for any duty, interest and penalties for which such person is liable after the expiration of six years from the date of payment to the Treasurer of an amount purporting to be in full settlement of such duty, interest and penalties or of the balance thereof, provided that nothing Proviso. contained in this section shall limit or affect the exercise of any of the powers conferred by sections 25, 26, 30 and 39.
- 41. Any of the powers and duties conferred on the Trea-Powers may be delegated. surer by this Act may be delegated by him to the Deputy Provincial Treasurer and the other officials of his Department, or any of them, who may act for him in his place and stead.
- 42. -(1) All information and material furnished to or received Secrecy. by the Treasurer or any officer or servant of the Crown under the provisions of this Act shall be confidential and no such person shall communicate any such information to or allow access to or inspection of such material by any person not legally entitled thereto.
- (2) Subsection 1 shall not apply to the registrar of any Where surrogate court or any person employed in the office of any not to apply. such registrar.
- (3) Every person who violates any of the provisions of Penalty. subsection 1 shall be guilty of an offence and liable to a penalty not exceeding \$200.

43.

Regulations. 43. The Lieutenant-Governor in Council may make regulations,-

- (a) prescribing forms and providing for the use thereof;
- (b) prescribing the amount, form and manner in which security shall be furnished; and
- (c) generally for the carrying out of the provisions of this Act.

Penalties,-how recover-able. **44**. The penalties imposed under subsection 4 of section 8, subsection 2 of section 9, subsection 2 of section 24, section 37 and subsection 3 of section 42 may be recovered under Rev. Stat., c. 136. The Summary Convictions Act.

Remission of penalties. 45. The Lieutenant-Governor in Council may remit in whole or in part any of the penalties imposed by this Act.

46. Where the deceased dies from wounds inflicted, accident occurring or disease contracted within twelve months before death while in the active naval, military or air service of His Majesty, the Treasurer may, if he thinks fit, remit the whole or any part of the duty for which the husband, wife, father, mother, child, son-in-law, daughter-in-law, brother or sister of the deceased is liable.

Application of Act.

47.—(1) This Act, except section 40, shall apply and have effect where the deceased died on or after the 1st day of July, 1892, provided that where the deceased died on or after the 1st day of July, 1892, and before the coming into force of this Act,-

- (a) the provisions of this Act.—
 - (i) levying duty on or making persons or property subject to or liable for duty;
 - (ii) relating to rates of duty;
 - (iii) relating to exemptions from duty of property, transmissions, dispositions or persons; and
 - (iv) relating to aggregate value,

shall not apply and the provisions of any Act in force at the date of death of the deceased,-

- (ai) levying duty on or making persons or property subject to or liable for duty:
- (aii) relating to rates of duty:

- (aiii) relating to exemptions from duty of property, transmissions, dispositions or persons; and
- (aiv) relating to aggregate value,

shall, subject to clauses b, c, d and e and subsection 2, apply notwithstanding the repeal of such Act;

- (b) the provisions of any Act in force at the date of death of the deceased levying duty on or making subject to or liable for duty any property passing on the death of the deceased or deemed by the provisions of such Act to be property passing on the death shall be read so as not to have the effect of levying duty on or making subject to or liable for duty any such property which was not situate in Ontario at the date of death of the deceased and any such provisions, which are by this Act made applicable, shall not have the effect of levying duty on or making subject to or liable for duty any such property which was not situate in Ontario at the date of the coming into force of this Act;
- (c) the provisions of any Act in force at the date of death of the deceased levying duty on or making subject to or liable for duty any transmission or any person to whom there is any transmission, shall be read so as not to have the effect of levying duty on or making subject to or liable for duty any transmission where the person to whom there is such transmission was not resident or domiciled in Ontario at the date of death of the deceased, or of levying duty on or making subject to or liable for duty any person to whom there is any transmission, with respect to such transmission, who was not resident or domiciled in Ontario at the date of death of the deceased, and any such provisions, which are by this Act made applicable, shall not have the effect of levying duty on or making subject to or liable for duty any such transmission or person, with respect to such transmission, where such person or the person to whom there is such transmission was not resident or domiciled in Ontario at the date of the coming into force of this Act:
- (d) the provisions of any act in force at the date of death of the deceased levying duty on or making subject to or liable for duty any disposition or any person to whom any disposition is made shall be read so as not to have the effect of levying duty on or making subject to or liable for duty any disposi-

tion where the person to whom such disposition is made was not resident in Ontario at the date of death of the deceased, or of levying duty on or making subject to or liable for duty any person to whom any disposition is made, with respect to such disposition, who was not resident in Ontario at the date of death of the deceased, and any such provisions, which are by this Act made applicable, shall not have the effect of levying duty on or making subject to or liable for duty any such disposition or person, with respect to such disposition, where such person or the person to whom such disposition is made was not resident in Ontario at the date of the coming into force of this Act; and

(e) the provisions of any Act in force at the date of death of the deceased creating an obligation by any person to disclose property passing on the death of the deceased or deemed by the provisions of such Act to be property passing on the death and to disclose dispositions and imposing penalties for failure to disclose such property or dispositions shall apply notwithstanding the repeal of such Act, provided that such provisions shall not have any wider application in respect of the property or dispositions required to be disclosed by any person or in respect of any person so required to disclose such property or dispositions or in respect of any person on whom a penalty is imposed for failure to disclose any such property or dispositions, than the provisions of this Act.

Debt for

(2) Where the deceased died on or after the 1st day of July, 1892, in determining aggregate value and in making an allowance for any debt for taxes an allowance shall not be made for any such debt due and payable more than two years prior to the date of death of the deceased, unless such debt is paid or settled within six months after the date of death of the deceased.

Saving Treasurer's powers. (3) This section shall not limit the exercise of any of the powers conferred on the Treasurer by sections 25, 26, 30 and 39.

Rev. Stat., c. 26; 1934, c. 55, s. 26; 1935, c. 67, s. 11; 1937, c. 3, s. 19; 1937 (2nd sess.), c. 1; 1938, c. 37, s. 24, repealed,

48. The Succession Duty Act, being chapter 26 of the Revised Statutes of Ontario, 1937, section 26 of The Succession Duty Act, 1934, section 11 of The Succession Duty Amendment Act, 1935, section 19 of The Succession Duty Amendment Act, 1937, The Succession Duty Amendment Act, 1937 (No. 2), and section 24 of The Statute Law Amendment Act, 1938, are hereby repealed, excepting only section 47 of The Succession

Duty Act, being chapter 26 of the Revised Statutes of Ontario, 1937, which shall be and remain in full force and effect.

- 49. This Act shall come into force on the day upon which it Commence-receives the Royal Assent.
- 50. This Act may be cited as The Succession Duty Act, Short title. 1939.

(Note re section 48.—It will be noted that section 26 of The Succession Duty Act, 1934, section 11 of The Succession Duty Amendment Act, 1935, and section 19 of The Succession Duty Amendment Act, 1937, are the only sections of each of those Acts not already repealed. The three Acts mentioned, except the sections indicated, were repealed by the operation of Schedule A to the Revised Statutes of Ontario, 1937).



1939.

(Second Session)

CHAPTER 2.

The Corporations Tax Amendment Act, 1939.

Assented to September 22nd, 1939. Session Prorogued September 22nd, 1939.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. Subsection 4 of section 14 of The Corporations Tax Act, 1939, c. 10. 1939, is amended by adding thereto the following clause:
 - (h) The amount, not exceeding ten per centum of the Patriotic net taxable income of any incorporated company, tions. which has been actually paid by way of contribution within its fiscal year to, and receipted for as such by, any patriotic organization or institution in Canada which hereafter receives the written approval of the Secretary of State of the Dominion of Canada.
- 2. This Act shall come into force on the day upon which it Commencement of Act. receives the Royal Assent and its provisions shall apply to companies in respect of all fiscal years ending during 1939 and subsequent fiscal years.
- 3. This Act may be cited as The Corporations Tax Amend-short title. ment Act. 1939.

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CHAPTER 3.

The Execution of Trusts Act, 1939.

Assented to September 22nd, 1939. Session Prorogued September 22nd, 1939.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. In this Act "trustee" shall include an executor, adminis- Interpretrator or administrator with the will annexed in relation to the administration of the estate of a deceased person. "trustee."
- 2.—(1) A trustee, whether a sole trustee or a trustee with Delegation others, may, notwithstanding any rule of law or equity to fruste by the contrary, by power of attorney, attested by one or more witnesses, delegate to any person capable of being appointed to be a trustee of the trust, the execution of any trust of which he is trustee, during any period for which such trustee is engaged on war service within the meaning of this Act, and a further period of two months thereafter.
- (2) For the purposes of this Act a trustee shall be deemed what to be to be engaged on war service,—
 - (a) if he is engaged on active service in connection with the present war as a member of any of the military, naval or air forces of Canada, the British Empire or any part or ally thereof;
 - (b) if he is engaged on service in any work abroad, in connection with the present war, of the Canadian or British Red Cross Society or any other body with similar objects; or
 - (c) if in connection with the present war he is a prisoner of war in the enemy's country or is interned in the country of a neutral power.
- (3) All jurisdiction and powers of any court shall apply Donee of to the donee of a power of attorney given under this Act so attorney. far as respects the execution of the trust in the same manner as if the donee were a trustee of the trust.

Proof that donor engaged on war service Chap. 3.

(4) A statutory declaration or affidavit by the donee of a power of attorney under which the execution of a trust is delegated, that the donor is engaged on war service within the meaning of this Act, or that in any transaction the donee is acting in execution of the trust pursuant to such power of attorney, shall be accepted as sufficient evidence of the fact by any person dealing with the donee.

Registration of power o

3.—(1) A power of attorney given under this Act may be registered in a registry office or land titles office upon the affidavit of the witness being made before a major or any officer of higher command on active service in the military, naval or air forces of His Majesty, or made as now provided by The Registry Act or The Land Titles Act.

Rev. Stat., cc. 170, 174. Delegating right to transfer inscribed

(2) The donee of a power of attorney given under this Act may, for the purpose of the transfer of any stock, including inscribed stock, himself delegate to an attorney the power to transfer.

Enforced account of war.

4. The powers conferred by this Act on trustees in relation to any period for which they are engaged on war service, may also be exercised by any trustee not engaged on war service in relation to any period during which, being abroad, he is for any reason connected with the present war unable to return from abroad to Ontario, and this Act shall have effect, in its application to such trustees, with the necessary modifications.

Trustee may etc., as attorney.

5. An executor or administrator engaged on war service may appoint as his attorney his co-executor or co-administrator, if any, or any other person who would be capable of being appointed by a court of competent jurisdiction to be administrator with the will annexed or administrator of such deceased person, if no executor or administrator existed, provided that for the purpose of this provision, a person shall not be deemed to be incapable of being appointed administrator by reason only that some other person would have, according to the law or practice of the court, a prior claim to be so appointed.

Indemnifiperson dealing with donee.

6.—(1) In favour of any person dealing with the donee of a power of attorney made under this Act, any act done or instrument executed by the attorney shall, notwithstanding that the power has become revoked by the act of the donor of the power or by his death or otherwise, be as valid and effectual as if the donor of the power were alive, and of sound mind, and had himself done such act or executed such instrument, unless such person had actual notice of the revocation of the power or of the death or unsoundness of mind of the donor of the power before such act was done or deed executed.

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- (2) In favour of a person dealing with the attorney any such Conclusive statutory declaration or affidavit made by the attorney as is absence. mentioned in subsection 4 of section 2 of this Act shall be conclusive evidence of the facts therein contained.
- 7. A trustee to whom this Act applies shall, for the purposes Presumption as to of this Act, be presumed to remain alive until definite news of continuance of life of his death has been received or such death has been presumed trustee. by a court of competent jurisdiction, and the fact that he is reported "missing" or "missing and believed to be killed" shall not be construed as giving to persons having knowledge of such report, notice of his death, although in fact it has occurred.
- 8. This Act shall not apply to any trustee under an implied Exception as to implied or construcor constructive trust. tive trust.
- 9. This Act shall come into force on the day upon which Commencement of Act. it receives the Royal Assent and shall have effect as from the 1st day of September, 1939.
- 10. This Act may be cited as The Execution of Trusts Short title. Act. 1939.



CHAPTER 4.

The Income Tax Amendment Act, 1939.

Assented to September 22nd, 1939.
Session Prorogued September 22nd, 1939.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. Subsection 1 of section 5 of *The Income Tax Act* is Rev. Stat., amended by adding thereto the following clause:
 - (n) the amount, not exceeding ten per centum of the Deductions net taxable income of any taxpayer, which has been deempactually paid by way of contribution, within the year to, and receipted for as such by, any patriotic organization or institution in Canada which hereafter receives the written approval of the Secretary of State of the Dominion of Canada.
- 2. This Act shall come into force on the day upon which Commenceit receives the Royal Assent and its provisions shall be applicable to the incomes of the year 1939 and all fiscal periods ending therein and to the incomes of all subsequent years and fiscal periods.
- 3. This Act may be cited as The Income Tax Amendment Short title. Act, 1939.



CHAPTER 5.

Mining.

The Mining Amendment Act, 1939 (No. 2).

Assented to September 22nd, 1939. Session Prorogued September 22nd, 1939.

TIS MAJESTY, by and with the advice and consent of . the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. Section 4 of The Mining Amendment Act, 1915, is 1915, c. 13, s. 4, rerepealed.
 - 2. Subsection 7 of section 25 of *The Mining Act* is repealed. Rev. Stat. o. 47, 8.25, subs. 7.
- 3. Subsection 1 of section 96 of *The Mining Act* is amended Rev. Stat., by striking out all the words after the words "Crown lands" c.47, s. 96. subs. 1. in the fifth line, so that the said subsection shall now read amended. as follows:
 - (1) The price per acre of Crown lands patented as mining Price to be claims shall be \$3 in surveyed territory and \$2.50 paid for in unsurveyed territory, and the price per acre for mining rights so patented shall be one-half the price payable for Crown lands.
- 4. The Mining Act is amended by adding thereto the Rev. Stat., c. 47, amended. following Part:

PART IXA.-ENLISTMENT FOR ACTIVE SERVICE.

- 176a. All other provisions of this Act shall be subject to Application of Act. the provisions of this Part.
- 176b. The miner's license of a person who has enlisted Miner's license of or enrolled for active service at home or abroad enlisted licensee. against the King's enemies shall be deemed to be subsisting and in force until six months after the date of his discharge from such service, or the 31st day of March following such date of discharge, whichever is the later date.

Effect of enlistment on forfeiture. 176c.—(1) Subject to subsections 2, 3 and 4, forfeiture or loss of rights under section 85, except clauses a and b, shall be avoided if the recorded holder of an interest in a mining claim has enlisted or enrolled for active service at home or abroad against the King's enemies.

Performance

(2) In the case of non-performance of work the period currently to be performed at the date of enlistment shall be performed not later than one year from the date of discharge from active service, two years from such date in the case of the next succeeding period, three years from such date in the case of a second succeeding period, four years from such date in the case of a third succeeding period and five years from such date in the case of a fourth succeeding period.

Application for patent.

(3) Where all the work required to be performed upon a claim has been performed prior to the date of enlistment, application for a patent or lease shall be applied for not later than one year from the date of discharge from active service.

Filing report. (4) The report required by subsection 4 of section 78 shall be made not later than ten days after the expiration of the time permitted for the performance of the work by this section.

Purchase money or 176d.—(1) Where the applicant for a patent or lease of a mining claim is a person who enlisted or enrolled for active service at home or abroad against the King's ememies, he shall not be required to pay the purchase money or the first year's rental as the case may be, provided that where he is not the sole applicant this exemption shall apply only to a part of the purchase money or the first year's rental, as the case may be, which is in proportion to his interest in the claim.

Section not to apply to more than three claims. (2) In the case of each person who has enlisted or enrolled for active service this section shall apply to not more than three claims whether or not he is the sole owner thereof.

Section to apply to personal representatives and beneficiaries... (3) The exemptions provided by this section shall apply to the personal representatives or beneficiaries of any person coming under the provisions of subsection 1.

176e. The provisions of sections 176b to 176d shall apply only,—

(a) where the ownership or interest in a mining Time of claim or a person on war service was acquired interest. prior to the time such person enlisted or enrolled for active service; and

Mining.

- (b) where the recorder of the mining division in Notice to which the claims are situate has notice that the holder of such claims or of an interest therein has enlisted or enrolled for active service.
- 176f. Notwithstanding the provisions of sections 155b Obtaining to 155f, where the holder of a certificate issued discharge. thereunder has enlisted or enrolled for active service at home or abroad against the King's enemies, he may upon being discharged from active service obtain a miner's certificate or a renewal thereof if the medical officer finds upon examination that he is free from tuberculosis of the respiratory organs.
- 5. This Act shall come into force on the day upon which Commencement of Act. it receives the Royal Assent and shall have effect as from the 1st day of September, 1939.
- 6. This Act may be cited as The Mining Amendment Act, Short title. 1939 (No. 2).



CHAPTER 6.

The Municipal Amendment Act, 1939 (No. 2).

Assented to September 22nd, 1939. Session Prorogued September 22nd, 1939.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. Section 275 of *The Municipal Act* is amended by adding Rev. Stat., c. 266, s. 275, amended.
 - (3) No debentures shall be issued for the purposes set No debentures for out in section 404a of this Act.
- 2. Section 305 of *The Municipal Act* is amended by adding Rev. Stat., o. 266, s. 305, thereto the following subsection:
 - (15) The by-law may provide that all the debentures or a Redemption portion thereof shall be redeemable at the option maturity. of the corporation on any date prior to maturity subject to the following provisions,—
 - (a) The by-law and every debenture that is so Place of redeemable shall specify the place of payment value, and the value at which such debenture may be so redeemed:
 - (b) Interest shall be paid to the date set for such Interest redemption and shall cease thereafter to accrue:
 - (c) Notice of intention so to redeem shall be sent Notice to by post at least thirty days prior to the date ownerset for such redemption to the person in whose name the debenture is registered at the address shown in the Debenture Registry Book;
 - (d) At least thirty days prior to the date set for Publication such redemption notice of intention so to redeem shall be published in the Ontario Gazette and in such other manner as, subject

Į to

Order in which deben-tures to be

- to the approval of the Municipal Board, the by-law provides; and
- (e) Where only a portion of the debentures issued under the by-law is so to be redeemed, such portion shall comprise only the debentures that have the latest maturity dates, and no debenture issued under the by-law shall be called for such redemption in priority to any such debenture that has a later maturity date
- Rev. Stat., c. 266, s. 307, amended by adding thereto the following clause: 3. Subsection 3 of section 307 of The Municipal Act is
 - (aa) for borrowing money for any of the purposes mentioned in section 404a; or.
- Rev. Stat., 4. The Municipal Act is amended by adding thereto the following section:

patriotic purposes 315a.-(1) Notwithstanding anything contained in this or any other general or special Act, or in any order of the Municipal Board, or in any municipal by-law or resolution, or in any contract, or other instrument, a municipal rate levied for any of the purposes set out in section 404a shall be levied upon the full value of all the rateable property in the municipality, and no fixed assessment or partial or total exemption from assessment or taxation shall apply thereto, except as provided in section 4 and subsection 3 of section 40 of The Assessment Act.

Rev. Stat., c. 272.

Rates to be excluded.

(2) In calculating whether the limit fixed by subsection 1 of section 315 has been reached, any rates levied for any of the purposes set out in section 404a shall be excluded from such calculation.

Rev. Stat., c. 266, s. 404, 5. Paragraphs 2, 32, 33, paras. 2, 32, Municipal Act are repealed. repealed. 5. Paragraphs 2, 32, 33, 34 and 35 of section 404 of The

Rev. Stat., c. 266, amended.

6. The Municipal Act is amended by adding thereto the following section:

Grants for patriotic

- 404a. Subject to the approval of the Department and The Organization of Resources Committee or of such sub-committee thereof as may be designated by the Committee and to subsection 3 of section 275, by-laws may be passed,-
 - (a) by the councils of counties, cities and separated towns, and of local municipalities in unorganized territory,-

- (i) for granting aid to any patriotic organ-Aid to ization that is duly registered under the organizawar Charities Act, 1939 (Canada);
- (ii) for aiding any regularly organized rifle Aid to rifle association or any association or cor-and militial poration having for its object or one of its objects the promotion of military art, science or literature:
- (iii) for aiding the establishment or main-Bands of tenance of military bands of music; and music.
- (b) by the councils of all municipalities for adding Remunerato the sum paid, when on active service, to any enlisted member of the armed forces of Canada, the British Empire or any part or ally thereof, who at the time of enlistment was an officer or servant of the corporation or a local board, within the meaning of The Rev. Stat., Department of Municipal Affairs Act, provided that, notwithstanding anything contained in this or any other general or special Act, no corporation and no such local board shall remunerate an officer or servant thereof who enlists as a member of such armed forces, except in accordance with this section.
- 7. Paragraph 65 of section 405 of *The Municipal Act* is Rev. Stat., amended by inserting after the word "a" where it occurs the parabolic second time in the second line the word "civilian" and by amended inserting after the word "any" in the fourth line the word "civilian" so that the first four lines of the said paragraph shall now read as follows:
 - 65. For providing by means of taxation for the establish-Establishing ment and maintenance of a fund for the support funds for and aid of a civilian band or bands of music and for making annual or other grants from such fund to any civilian band or bands or to the members thereof.
- 8. This Act shall come into force on the day upon which it Commencereceives the Royal Assent.
- 9. This Act may be cited as The Municipal Amendment short title. Act, 1939 (No. 2).



CHAPTER 7.

The Organization of Resources Act, 1939.

Assented to September 22nd, 1939. Session Prorogued September 22nd, 1939.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) The Honourable Albert Matthews, LL.D., Lieu-Fernation of Promitenant-Governor of Ontario, The Honourable Mitchell of Province Prederick Hepburn, Lieutenant-Colonel George Alexander mittee. Drew, one of His Majesty's Counsel, and such other persons as may be appointed under the provisions of this Act shall be a Provincial Committee to aid in securing the conservation, utilization and organization of the resources of Ontario for the successful prosecution of the war, and to secure the maintaining and increasing of the agricultural and industrial production of Ontario, and the better development of the natural and other resources of the Province during the war and thereafter.
- (2) The chairman of the Committee shall be elected by Chairman. the members thereof and shall hold office for a period of one year or until his successor is elected.
- (3) The Committee shall be known as the Organization of "Committeesources Committee, hereinafter called "the Committee."
- 2. The Committee shall co-operate, so far as possible, Committee, with existing organizations and associations, civil and military, in furthering the objects of the Committee, and particularly in maintaining and stimulating agricultural and necessary industrial production, securing a sufficient supply of labour for the agricultural interests and industrial operations, assisting in the work of recruiting men for the Canadian Expeditionary Forces with the least possible disturbance to agriculture or industry, and promoting thrift and economy among the people.
- 3. The Lieutenant-Governor in Council may add such Additional persons from time to time as members of the Committee as filling he may deem advisable, and may appoint any person as a vacancies. member of the Committee in the place of any member dying or retiring or becoming incapable of acting.

mendations of Com-mittee.

4. The Committee may make such representations and recommendations to the Lieutenant-Governor in Council as it may deem advisable for carrying out the objects of this Act. and the Lieutenant-Governor in Council may approve such recommendations and direct such action to be taken thereon by the Committee or otherwise as he may deem meet.

other powers and duties on Committee.

5. The Lieutenant-Governor in Council may confer such further powers and impose such further duties upon the Committee in connection with the better organization of the resources of Ontario as may be deemed advisable.

6.—(1) The Committee may appoint,—

executive

(a) an executive committee from among its members:

subcom-

(b) such subcommittees as it may deem necessary and advisable from among its members or otherwise.

to exercise and perform such powers and duties in carrying out the objects of this Act as the Committee may by resolution confer and impose.

Fees and expenses.

(2) The Lieutenant-Governor in Council may provide for the payment of fees and expenses to the members of subcommittees who are not members of the Committee, in connection with the work of such subcommittees.

Expenses of members of Committee

7. The members of the Committee shall serve without remuneration, but may be paid their travelling expenses or other disbursements necessarily incurred in connection with the work of the Committee, the executive committee or any subcommittee and the receiving of such expenses and disbursements by any member of the Committee, the executive committee or a subcommittee shall not render him ineligible as a member of the Assembly or disqualify or render him liable to any penalty for sitting and voting therein, anything in The Legislative Assembly Act to the contrary notwithstanding.

Rev. Stat., c. 12.

officers, etc., of Committee.

8. The Lieutenant-Governor in Council may appoint such officers, clerks, servants and agents as may be deemed necessary for the carrying out of the work of the Committee, and may fix their salaries, wages, fees or other remuneration.

Temporary

9. The Committee, subject to the approval of the Lieutenant-Governor in Council, may employ such temporary clerical, expert and other assistance as it may from time to time require and may fix the salaries, wages, fees or other remuneration and expenses thereof.

Salaries,

10. Payment of the salaries, wages, fees and other rehow payable, muneration and expenses mentioned in sections 6, 7, 8 and 9 shall be made out of the Consolidated Revenue Fund upon the certificate of the chairman of the Committee approved by the Treasurer of Ontario.

- 11. This Act shall come into force on the day upon which Commenceit receives the Royal Assent.
- 12. This Act may be cited as The Organization of Resources Short title. Act, 1939



CHAPTER 8.

The Power Control Act, 1939.

Assented to September 22nd, 1939. Session Prorogued September 22nd, 1939.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,—

Interpre-

- (a) "Commission" shall mean The Hydro-Electric Power "Commission"; Commission of Ontario:
- (b) "land" shall mean real property of whatsoever nature "land": or kind, and shall include tenements, hereditaments and appurtenances, any estate, term, easement, right or interest in, to, over, under or affecting land, and water rights, water powers and water privileges;
- (c) "owner" shall include mortgagee, lessee, tenant, occu- "owner": pant, or any person entitled to any estate or interest in land or works, and a guardian, committee, executor, administrator or trustee in whom land or works or any property or interest therein is vested;
- (d) "power" shall include hydraulic, electrical, steam or "power"; other power and shall also include energy;
- (e) "regulations" shall mean regulations made under "regulations"; this Act;
- (f) "supply" shall include delivery, dealing in, and sale; "supply"; and
- (g) "works" shall include all property, plant, machinery, "works." installations, materials, devices, fittings, apparatus, appliances and equipment constructed, acquired or used in the generation, transformation, transmission, distribution, supply or use of power.
- 2. The Commission shall have authority to regulate Powers of Commission, and control the generation, transformation, transmission,

Chap. 8.

distribution, supply and use of power in Ontario, and, without limiting the generality of the foregoing, the Commission may,-

- (a) restrict or prohibit the supply or use of any power or the supply or use of power to or by any person and divert or apportion power or give priority or preference to any user of power in order to effect, what is in the opinion of the Commission, the most economical, efficient and equitable use and distribution of power:
- (b) direct any owner to generate or supply power at any specified rate not exceeding the full capacity of his works:
- (c) hear and decide any dispute between any owner and any user of power concerning any matter over which the Commission has jurisdiction under this Act and make such direction as it deems proper in accordance with its decision:
- (d) decide and direct to whom, at what prices and under what conditions power may be supplied; and
- (e) do such acts and give such directions as may be necessarv for the carrying out or enforcement of the provisions of this Act and the regulations.

Regulations. 3. Subject to the approval of the Lieutenant-Governor in Council, the Commission may make regulations,-

- (a) requiring any owner to furnish to the Commission information regarding,-
 - (i) his land and works including the capacity, output, cost and use thereof:
 - (ii) his assets, liabilities, revenues, expenses and operations; and
 - (iii) the supply of power by him to other persons including particulars of quantities, prices, terms, conditions, points of delivery and use:
- (b) requiring any person to furnish to the Commission information regarding the supply of power to him, including particulars of quantities, prices, terms,

conditions, points of delivery and use, and by whom supplied;

- (c) prescribing the manner of deciding and determining preferences and priorities in the supply and use of power and providing for the apportioning of power among different users or classes of users and the diversion of power from one or more users or classes of users to other users or classes thereof:
- (d) restricting or prohibiting the supply or use of power for any particular purpose;
- (e) providing for the setting of prices at which and for the fixing of terms and conditions under which power may be supplied in Ontario, either generally or for one or more users or classes of users;
- (f) providing for the entry upon and inspection of land and works including the making of inventories and valuations thereof, the examination of books, accounts, records and documents relating thereto and generally the obtaining of information in connection therewith; and
- (g) generally for the carrying out of the provisions of this Act.
- 4. When any owner or other person is unable to supply Protection power under any contract or obligation because of compliance to supply with this Act or the regulations or any direction of the Commission made thereunder, such owner or other person shall be relieved from all liability for his failure to supply power on account of such inability.
- 5.—(1) Where the Commission is satisfied that any owner Acquisition is not using his land and works, or either of them, to full of land and capacity or best advantage for the generation or supply of power or is neglecting or refusing to comply with any direction of the Commission or the provisions of this Act or the regulations, the Commission may purchase or acquire and may, without the consent of the owner, enter upon, take and expropriate any of his lands or works which it may deem necessary for the generation, transformation, transmission, distribution or supply of power.
- (2) Where lands or works are purchased, acquired, entered Title upon, taken or expropriated under this section the Commission, in its discretion, may acquire absolute title or a limited estate, right or interest therein either on a rental basis or otherwise as it deems desirable in the circumstances

provided that whether or not it acquires absolute title to any such land or works, the Commission may use such land and works in such manner as it deems proper and may divert water therefrom, close, repair, rehabilitate, extend, improve or reconstruct such works and may construct other works in lieu thereof or in addition thereto.

Manner of expropria-Rev. Stat., cc. 62; 54.

(3) The provisions of The Power Commission Act and The Public Works Act as to the purchase, acquisition, entry upon, taking and expropriation of land and the fixing, payment and application of compensation therefor shall apply mutatis mutandis to the purchase, acquisition, entry upon, taking and expropriation of land and works under this Act, provided that where any of the provisions of The Power Commission Act conflict with any of the provisions of The Public Works Act, the former shall prevail.

Penalties.

6.—(1) Every owner or other person who violates any of the provisions of this Act or the regulations or who neglects or refuses to comply with any direction of the Commission shall be liable for a first offence, to a penalty not exceeding \$5,000, for a second offence, to a penalty not exceeding \$10,000 and for a subsequent offence, to a penalty not exceeding \$25,000, and where such owner or other person is a corporation, the president, directors and the manager or other person in charge shall each be personally liable to a similar penalty.

(2) The penalties imposed by this section may be recovered under the provisions of The Summary Convictions Act and shall be payable to the Commission.

Other

7.—(1) In exercising or performing any power or duty Commission conferred or imposed upon it by this Act or the regulations the Commission shall have and may exercise any authority, right, power, privilege or immunity which it possesses under The Power Commission Act or any other Act or under any

Rev. Stat.,

Idem.

(2) The powers conferred by this Act shall be deemed to be in addition to and not in derogation of any power conferred upon the Commission by any other Act, but where the provisions of any other Act conflict with the provisions of this Act the latter shall prevail.

8. This Act shall come into force on the day upon which it receives the Royal Assent.

9. This Act may be cited as The Power Control Act, 1939.

CHAPTER 9.

An Act respecting Public Meetings and Public Processions.

Assented to September 22nd, 1939. Session Prorogued September 22nd, 1939.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,—

Interpretation.—

- (a) "permit" shall mean a permit issued under this Act; "permit;"
- (b) "public meeting" shall mean any meeting or demon-"public stration in a public place held for the purpose of the meeting;" discussion of matters of public interest or for the purpose of the expression of views on such matters;
- (c) "public place" shall mean any public park, public "public garden, public square, public court, public bridge, public highway, public road, public alley or public passage whether a thoroughfare or not and any public open space to which for the time being the public have access, whether upon payment of a fee or otherwise; and
- (d) "public procession" shall mean a procession in a "public public place.
- 2. Subject to section 5, no person shall hold, convene, Meeting or organize or take part in, or assist in holding, convening or procession or procession unless a per-held withmit for the holding of such meeting or such procession has been obtained in accordance with section 3.
- 3.—(1) Permits for the holding of public meetings and Permits,—public processions may be issued,—
 - (a) in a local municipality having a board of commissioners of police, by the board of commissioners of police;

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- (b) in a local municipality not having a board of commissioners of police, by the municipal council; and
- (c) in territory without municipal organization, by a magistrate.

(2) The board of commissioners of police, municipal council or magistrate, as the case may be, may issue any permit subject to such conditions as it or he may deem proper or may refuse to issue a permit.

Fee for permit. (3) A fee of not exceeding \$1 may be charged for any such permit.

Arrests.

4. Any police officer or constable may arrest without warrant any person contravening any of the provisions of this Act.

Application of Act.

5. This Act shall not apply to any public meeting or public procession held by a religious organization.

6. Every person who contravenes any of the provisions of this Act shall be guilty of an offence and liable to a fine not exceeding \$200 or to imprisonment for a term not exceeding six months, or both.

Recovery of penalties. Rev. Stat., c. 136. The penalties imposed by this Act may be recovered under The Summary Convictions Act.

Commencement of Act.

8. This Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation.

 Short title. 9. This Act may be cited as The Public Meetings and Processions Act, 1939.

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CHAPTER 10.

An Act to provide for the Protection of Public Works.

Assented to September 22nd, 1939. Session Prorogued September 22nd, 1939.

TIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act.-

(Second Session)

Interpreta-

- (a) "Attorney-General" shall mean the Attorney-General "Attorneyfor Ontario:
- (b) "guard" shall mean a guard appointed under the pro- "guard;" visions of this Act:
- (c) "highway" shall mean highway within the meaning "highway;" Rev. Stat., c. 56. of The Highway Improvement Act;
- (d) "public work" shall include,-

"public

- (i) any railway, canal, highway, bridge, power works including all property used for the generation, transformation, transmission, distribution or supply of hydraulic or electrical power, gas works, water works, public utility or other work, owned, operated or carried on by the Government of Ontario or by any board or commission thereof, or by any municipal corporation, public utility commission or by private enterprises;
- (ii) any provincial and any municipal public building; and
- (iii) any other building, place or work designated a public work by the Lieutenant-Governor in Council.
- 2. Any guard or peace officer may,—

Powers of guard or peace officer.

- (a) require any person entering or attempting to enter any public work or any approach thereto to furnish his name and address, to identify himself and to state the purpose for which he desires to enter such public work, in writing or otherwise;
- (b) search, without warrant, any person entering or attempting to enter a public work or any vehicle in the charge or under the control of any such person or which has recently been or is suspected of having been in the charge or under the control of any such person or in which any such person is a passenger; and
- (c) refuse permission to any person to enter any public work, and may use such force as is necessary to prevent any such person from so entering.

Refusal to obey guard, etc.,-penalty. 3.—(1) Every person who neglects or refuses to comply with any request or direction made under the provisions of this Act by a guard or peace officer, and any person found upon any public work or any approach thereto without lawful authority the proof whereof shall lie on him, shall be guilty of an offence and liable to a penalty not exceeding \$100 or to imprisonment for a term not exceeding two months, or to both.

Arrest.

(2) Any guard or peace officer may arrest, without warrant, any person who neglects or refuses to comply with any request or direction of any guard or peace officer, or who is found upon or attempting to enter any public work without lawful authority.

Statement under oath to be conclusive evidence. **4.** For the purposes of this Act the statement under oath of an officer or employee of the government, board, commission, municipal or other corporation or other person owning, operating or having control of a public work, as to the boundaries of such public work shall be conclusive evidence thereof.

Guards,appointment of.

- **5.**—(1) For the purpose of protecting any public work guards may be appointed by,—
 - (a) the Attorney-General;
 - (b) the Commissioner of Police for Ontario;
 - (c) any inspector of the Ontario Provincial Police;
 - (d) the head or deputy head of the municipal council or the chief constable of the municipality in which such public work is located, or the person acting in the place or stead of such head or deputy head;

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- (e) the chairman or other person who is the head of any board, commission or other body owning or having charge of a public work, or the person acting in the place or stead of such chairman or other person.
- (2) Every person appointed as a guard under this section Powers of shall for the purposes of this Act have the powers of a peace guard. officer.
- 6. Subject to the regulations and to any special direction Duties of of the Attorney-General or the Commissioner of Police for guard Ontario, every guard shall obey all directions of the person appointing him, any inspector of the Ontario Provincial Police, the chief constable of the municipality in which is located the public work which he is protecting, and the person who is in charge of the protecting of such public work.

7. Every guard who,-

- (a) neglects or refuses to obey any direction which he is required to obey under section 6;
- (b) fails in any manner to carry out his duties as guard;
- (c) leaves the location to which he is assigned as guard or ceases to act as guard without leave of any of the persons mentioned in section 6;
- (c) otherwise conducts himself in a manner not consistent with his duties as guard,

shall be guilty of an offence and liable to a penalty not exceeding \$100 or to imprisonment for a term not exceeding two months, or to both.

8. The Lieutenant-Governor in Council may make regu-Lieutenant-Governor lations .--

- (a) providing for the organization, co-ordination, supervision, discipline and control of guards;
- (b) defining the areas which constitute approaches to public works, either generally or with regard to any particular public work; and
- (c) generally for the carrying out of the provisions of this Act.
- 9. The penalties imposed by this Act may be recovered penalties, order The Summary Convictions Act.

 Recovery of penalties, Rev. Stat., c. 136. under The Summary Convictions Act.

Commencement of Act. 10. This Act snan concernent of Act. it receives the Royal Assent. 10. This Act shall come into force on the day upon which

11. This Act may be cited as The Public Works Protection Short title. Act, 1939.

CHAPTER 11.

Statute Law Amendments.

The Statute Law Amendment Act, 1939 (No. 2).

Assented to September 22nd, 1939. Session Prorogued September 22nd, 1939.

TIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. The Commissioners for Taking Affidavits Act is amended Rev. Stat., adding thereto the following section: by adding thereto the following section:
 - 7a. An affidavit for use in Ontario may be sworn within Taking or without Ontario before a major or officer of higher etc., before command on active service in the military, naval officers of the military. or air forces of His Majesty and shall be as valid Majesty's and effectual and of like force and effect to all intents and purposes as if it had been sworn in Ontario before a commissioner for taking affidavits therein.
- 2. Section 25 of *The Constables Act* is repealed and the Rev. Stat... c. 140, s. 25, following substituted therefor:
 - 25.-(1) The county judge, the Commissioner of Police Special constables, for Ontario, or a magistrate may appoint persons to appointment act as special constables for such time and in such manner as to him may seem necessary and every such appointment shall have the same force and effect as an appointment made under section 16.
 - (2) Every appointment of a constable made by a Confirma-magistrate on or after the 1st day of May, 1939, is appoint. hereby confirmed and shall have the same force and ments. effect as an appointment made under this section.
- **3.**—(1) Clause e of paragraph 2 of section 18 of The Rev. Stat. Election Act is repealed and the following substituted therefor: c-enactors c-enactor
 - (e) is serving or served in any country in the military, naval or air forces of Canada or the British Empire or any part or ally thereof in the present war or in the Great War of 1914-1918.

Rev. Stat., c. 8, s. 20, cl. b, reenacted.

- (2) Clause b of section 20 of *The Election Act* is repealed and the following substituted therefor:
 - (b) a member of the military, naval or air forces of Canada or the British Empire or any part or ally thereof against the King's enemies, or a nurse or nursing sister, or in any other capacity with such forces.

Rev. Stat., c. 8, s. 22, subs. 1, re-enacted.

(3) Subsection 1 of section 22 of *The Election Act* is repealed and the following substituted therefor:

Indians,-

(1) A person who is an unenfranchised Indian of whole or part Indian blood and residing or having his domicile among Indians or on an Indian reserve shall not be entitled to have his name entered on the list of voters or to vote unless such person is serving or has served in any country in the military, naval or air forces of Canada or the British Empire or any part or ally thereof in the present war or in the Great War of 1914-1918.

Rev. Stat., c. 8, s. 22, subs. 2, amended.

- (4) Subsection 2 of the said section 22 is amended by striking out the last paragraph and inserting in lieu thereof the following:
 - You swear (or solemnly affirm) that you are serving (or served) against the King's enemies in the present war (or in the Great War of 1914-1918).

Rev. Stat., c. 8, Form 32, par. 3, re-enacted.

- (5) Paragraph 3 of Form 32 in the Schedule of Forms to The Election Act is repealed and the following substituted therefor:
 - That you are serving (or served) in the military, naval or air forces of Canada or the British Empire (or any part or ally thereof) in the present war (or in the Great War of 1914-1918, naming the force in which the voter is serving or served.)

Rev. Stat., c. 12, s. 9, subs. 2, cl. b, amended.

- **4.**—(1) Clause *b* of subsection 2 of section 9 of *The Legislative Assembly Act* is repealed and the following substituted therefor:
 - (b) an officer or other member of His Majesty's army, navy or air force, or an officer in the militia or a militiaman.

Rev. Stat., c. 12, s. 74, amended. (2) Section 74 of *The Legislative Assembly Act* is amended by adding thereto the following subsection:

- (2) In the case of a member of the Assembly who is a Place of member of His Majesty's army, navy or air force during the present war who comes to Toronto for the purpose of attending a session of the Legislature, his place of residence shall be deemed to be the last place at which he so served, and the distance going and coming shall be reckoned, determined and certified accordingly.
- **5.**—(1) Subsection 2 of section 13 of *The Wills Act* is re-Rev. Stat., pealed and the following substituted therefor:

 subs. 2, subs. 2, subs. 2, subs. 2, subs. 2.
 - (2) Any such soldier, member, mariner or seaman shall Testabe deemed to be of testamentary capacity and to be capacity of capable of making a valid disposition by his will of although any of his property whether real or personal, notwithstanding that he is at the time of the execution of his will under the age of twenty-one years.
- (2) Section 13 of *The Wills Act* is further amended by add-Rev. Stat., o. 164, s. 13, amended.
 - (3) This section shall extend to any member of His Naval. Majesty's naval, marine or air forces when he is so air forces, circumstanced that if he were a soldier he would be in actual military service within the meaning of subsection 1, and in the case of a member of His Majesty's naval or marine forces, when he is at sea.
- **6.** This Act shall come into force on the day upon which Commenceit receives the Royal Assent and shall have effect as from the 1st day of September, 1939.
- 7. This Act may be cited as The Statute Law Amendment Short title. Act, 1939 (No. 2).



CHAPTER 12.

The Vacant Land Cultivation Amendment Act, 1939.

Assented to September 22nd, 1939. Session Prorogued September 22nd, 1939.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. Section 1 of *The Vacant Land Cultivation Act* is amended Rev. Stat., by striking out the words "cities, towns and villages" in the amonded. first line and inserting in lieu thereof the words "local municipalities," so that the said section shall now read as follows:
 - The councils of local municipalities may pass by Power to grant permits to cultivate vacant land.
 - (a) for granting permits to any person to enter upon, hold and use for the purpose only of cultivating it and raising thereon such crops as may be prescribed by the by-law or permit any vacant land in the municipality for such period not extending beyond the current year and on such terms and conditions as may be thought proper and for regulating and controlling the use of such land by any holder of a permit;
 - (b) for revoking any permit for failure to comply Revoking with the terms and conditions of the by-law permit. or of the regulations or whenever the council determines that the land is immediately required by the owner for building or manufacturing or other revenue producing purposes.
- **2.** The Vacant Land Cultivation Act is amended by adding Rev. Stat., thereto the following section:
 - The person designated by the Lieutenant-Governor in Powers of Council as Director of Unemployment Relief may Unemployment exercise in any part of Ontario any of the powers Relief.

conferred by this Act on the council of a local municipality and the provisions of this Act, except section 6, applicable to a council of a local municipality shall apply mutatis mutandis to the Director of Unemployment Relief.

Commence-ment of Act. 3. This Act shall come into force on the day upon which it receives the Royal Assent.

4. This Act may be cited as The Vacant Land Cultivation Short title. Amendment Act, 1939.

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STATUTES

OF THE

PROVINCE OF ONTARIO

PASSED IN THE SESSION HELD IN THE

Fourth Year of the Reign of His Majesty KING GEORGE VI

Being the Fifth Session of the Twentieth Legislature of Ontario

BEGUN AND HOLDEN AT TORONTO ON THE TENTH DAY OF JANUARY
IN THE YEAR OF OUR LORD ONE THOUSAND
NINE HUNDRED AND FORTY



ONTARIO

HIS HONOUR ALBERT MATTHEWS, LIEUTENANT-GOVERNOR

TORONTO



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PART I PUBLIC ACTS

Chapters 1 to 35





4 GEORGE VI

CHAPTER 1.

The Assessment Amendment Act, 1940.

Assented to February 24th, 1940. Session Prorogued February 24th, 1940.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. Clause *m* of section 1 of *The Assessment Act* is amended Rev. Stat. by inserting after the word "politic" in the second line the ol. *m*, words "any bridge authority" so that the said clause shall now read as follows:
 - (m) "Person" shall include any partnership, any body "Person." corporate or politic, any bridge authority, any agent or trustee, and the heirs, executors, administrators or other legal representatives of a person to whom the context can apply according to law.
- 2. Subsection 9 of section 8 of *The Assessment Act* is Rev. Stat., amended by inserting after the article "a" in the first line the subs. 9, words "rooming house", and by adding thereto the following amended, clause:
 - (a) In this subsection "rooming house" shall mean any house or building or portion thereof which is mainly used by any male or female person residing therein as proprietor, for supplying for hire or gain to other persons, lodging with or without meals, in rooms furnished by such proprietor with necessary furnishings, and shall not include an hotel or apartment house;

so that the said subsection shall now read as follows:

- (9) No person occupying or using land as a rooming Farmers, house, farm, market garden or nursery shall be gardeners liable to business assessment in respect of such land. nurserymen.
 - (a) In this subsection "rooming house" shall mean "Rooming any house or building or portion thereof which meaning of is mainly used by any male or female person

[1] residing

residing therein as proprietor, for supplying for hire or gain to other persons, lodging with or without meals, in rooms furnished by such proprietor with necessary furnishings, and shall not include an hotel or apartment house.

Rev. Stat., c. 272, s. 28, subs. 6, amended.

3. Subsection 6 of section 23 of *The Assessment Act* is amended by striking out the words "In a city or town" in the first line and the words "to a city or town" in the last line, so that the said subsection shall now read as follows:

Varietion of

- (6) The form may be varied so as to give any additional information required owing to changes in the boundaries of the municipality or other like causes, or so as to allow the same to be adapted to mechanical bookkeeping methods in the preparation of the roll, and columns may be omitted which are inapplicable.
- Rev. Stat., 6. 272, 8. 86, amended. 4. Section 86 of *The Assessment Act* is amended by adding amended. thereto the following subsection:

Reference to similar land.

- (2) Such judge, Board or Court may, in determining the value at which any land shall be assessed, have reference to the value at which similar land in the vicinity is assessed.
- Rev. Stat., 6. 272.

 5. The Assessment Act is amended by adding thereto the amended. following section:

County assessor.

89a.—(1) Subject to the approval of the Department of Municipal Affairs, the council of every county may appoint a county assessor who, for the purpose of making uniform the methods of preparation of the assessment rolls in the several municipalities within the county and for the purpose of ascertaining whether the valuations made by the assessors in each such municipality bear a just relation one to another, shall supervise and advise the assessors of each such municipality and shall report to the council before the 1st day of June in every year.

Assessment compaint.

(2) A county assessor shall have the same right of appeal to a court of revision in any such municipality that a person assessed in the municipality has under subsection 3 of section 73.

Complaint to court of revision. (3) Notice of an appeal by a county assessor to the court of revision of any municipality within the county may be given within twenty days after the return of the assessment roll of such municipality, and such appeal may be with respect to any particular assess-

Chap. 1.

ment or omission to assess or generally with respect to all the assessments included in the roll or in any area of the municipality defined in the notice or generally with respect to assessments of land only or buildings only or income or business included in the roll or in any area of the municipality defined in the notice.

- (4) A county assessor shall have the same right of appeal Appeals from a decision of a court of revision or county judge of revision as a person assessed under this Act.
- (5) No such general appeal shall be commenced without General the approval of the Department of Municipal Affairs and the procedure applicable thereto shall be determined by the court of revision, county judge or the Ontario Municipal Board, as the case may be, and such notice thereof shall be given by publication or otherwise as may be directed by the court, judge or Board, and upon the hearing thereof the court, judge or Board may review any or all of the assessments included in the roll as may be necessary to determine the appeal, may alter and amend the roll and may direct the making of a new roll in accordance with the terms of the order of the court, judge or Board.
- **6.** Subsection 3 of section 104 of *The Assessment Act* is Rev. Stat., amended by striking out the words "In a city or town" in the subs. 3, first line, so that the said subsection shall now read as follows: amended.
 - (3) The form of the collector's roll may be varied so as variation to allow the same to be adapted to mechanical of tax roll, methods of accounting and bookkeeping.
- 7. Form 1 of *The Assessment Act* is amended by adding Rev. Stat. to the form of General Return a column as number 22 with Form 1, the heading "Gross receipts or gross rentals," so that the General Return under the said Form shall now read as follows:

Кетатка.

31

RETURN.	
General	(or CITY, TOWN, or VILLAGE) OF

CON.

TOWNSHIP OF

SIDE.

		33	a	
	Dog Tax.	_	Number of bitches.	
		29	Number of dogs.	
	ur.		Number of days' labour.	
	Statute Labour.	26	Number of persons from 21 to 60.	
	Statistics,	28	Deatha.	
		27	Births.	
		25	Number of persons in the family of person rated as a berson and sill other persons residing on the premises.	
			porter, (P. or S.)	
		24	Number of school section. Public or separate school sup-	
			Religion.	
		23	Gross receipts or gross rentals.	
		22	management and agency of the contract of the c	
	Lands	19	Total value of property exempt from taxation, or liable for local improvements only.	
	Values of I Buildings.	00	Total value of land liable for school rates only.	
	Val I Bu	16	Total value of real property.	
	Assessed Values of Lands and Buildings.	15	Value of buildings.	
		14	Value of land exclusive of build- ings,	
		13	Number of acres of swamp, marsh or waste land.	
		12	Number of acres of slash land.	
	Description of Real Property.	Ξ	Number of acres of woodland.	
		10	Number of acres cleared (ov in cities, lowns or villages) whether vacant or built upon.	
		0	Number of acres or other measure showing the extent of the property.	
		00	Number of lot, house, etc., in such division.	
		7	Number of concession, name of sureer, etc., or other local designation of the local division in which the land late or rest, dence, in case of persons not assessable for land or in the case of manhous sufficient of the late.	
	Names and description of persons assessed.	9	Occupation, and in the case of females, S. M. or W., and in case of non-resident M.R.	
		10	Owner or Tenant, L.F. or F.S.	
		4	British Subject or Alien.	
	es an		Age.	
	Name of p		, (aldaxal	
		2	noziog do (1211, smantus) omen to sinansi bna stenuno) oldexes seiuvesito snores de bna bnal to	

I hereby make oath that I have knowledge of the particulars contained in the foregoing statement and that the same are in every respect fully and truly stated to the best of my knowledge and dependent at the County of A.D.19 . AFFIDAVIT.

A.D. 19 Signature.

- **8.** Section 2 of this Act shall come into force on the day Commenceupon which it receives the Royal Assent and have effect as from the 1st day of January, 1939.
- 9. This Act may be cited as The Assessment Amendment Short title. Act, 1940.

CHAPTER



CHAPTER 2.

Blue Water Bridge.

An Act respecting the Blue Water Bridge.

Assented to February 24th, 1940. Session Prorogued February 24th, 1940.

WHEREAS the Commission has constructed the centre Preamble. **V** span of the Bridge for the purpose of connecting the highways of Michigan and the King's Highways of Ontario; whereas the Province and the State have expended large sums of money in constructing the respective approaches to the said centre span; whereas the Province has acquired title to the land in the Village upon and over which the approach in Ontario and the portion of the said centre span in Ontario have been constructed; whereas upon payment of the corporate obligations of the Commission, the portion of the Bridge in Ontario is to be conveyed to the Province free of cost or other expense: whereas the expenditures made by the Government of the Province in connection with the Bridge have been made for the benefit of the Province and it is considered desirable that the said obligations of the Commission shall be retired, paid and discharged at the earliest possible date so that the interest of the Commission in the portion of the Bridge in Ontario may be conveyed to the Province; whereas it is the intention of the Government of the Province upon receiving such conveyance to make the Bridge in Ontario a part of the King's Highways of Ontario; whereas the Bridge in Ontario is now occupied and operated by the Commission; and whereas it is desirable that the amount of the municipal taxes payable in respect of the Bridge shall be fixed;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

In this Act,—

Interpreta-

(a) "Bridge" shall mean the international bridge across "Bridge;" the St. Clair River between the village of Point Edward in Ontario and the city of Port Huron in Michigan, known as the Blue Water Bridge, and shall include the land, structure, approach, centre span and appurtenances thereto;

"Commis-

Chap. 2.

(b) "Commission" shall mean State Bridge Commission of the State of Michigan;

"Province;"

(c) "Province" shall mean Province of Ontario;

"State;"

(d) "State" shall mean State of Michigan; and

"Village."

(e) "Village" shall mean corporation of the village of Point Edward.

Municipal taxation 2.—(1) The portion of the Bridge in Ontario shall be exempt, except as in this Act provided, from any taxation, including local improvement and school rates, by the corporation of any municipality.

Idem.

(2) The amount of municipal taxes including local improvement and school rates payable as hereinafter provided by the Commission to the Village in respect of the portion of the Bridge in the Village is hereby commuted and fixed at the sum of \$5,000 for the year 1940 and annually thereafter until the corporate obligations of the Commission have been paid and the portion of the Bridge in Ontario conveyed to the Province

Idem.

(3) The Commission shall pay as taxes to the Village the said sum of \$5,000 annually at the same time and upon the same terms as the taxes of the other ratepayers of the Village and shall be subject in case of default to the same provisions and remedies for the collection thereof as provided by *The Assessment Act* or any other Act in force with respect thereto.

Rev. Stat., c. 272.

(4) The assessor of the Village may vary the first paragraph of the affidavit or solemn affirmation required under section
 53 of The Assessment Act by excepting the Bridge from the real property therein mentioned.

Rev. Stat., c. 272.

(5) In making the collector's roll the clerk of the Village shall divide the said sum of \$5,000 in the same proportion as the separate rates or sums that are imposed generally for the purposes of the Village and shall enter opposite the name of the Commission in the roll the proportionate sums so ascer-

Commencement of Act. 3. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

tained.

4. This Act may be cited as The Blue Water Bridge Act, 1940.

CHAPTER 3.

An Act to amend The Change of Name Act, 1939.

Assented to February 24th, 1940. Session Prorogued February 24th, 1940.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Section 3 of *The Change of Name Act*, 1939, is 1939, c. 6, amended by striking out the words "first publication of amended. notice of the" in the fourth line and inserting in lieu thereof the words "making of such," so that subsection 1 of the said section shall now read as follows:
 - (1) Every application shall be made to a judge of the Application county or district court of the county or district to judge. in which the applicant has resided for a period of one year immediately prior to the making of such application and shall be heard at such time and place as the judge may appoint in writing.
- (2) The said section 3 is further amended by adding thereto $_{\substack{1939, \ c.\ 6, \\ s.\ 3, \ amended, \ amended, \ amended}}^{1939, \ c.\ 6, \ s.\ 3, \ amended}$
 - (2) Where the judge who has appointed a time and have appliance for the hearing of the application becomes ill cation. or dies or for any other reason is unable to hear the application at the time and place so appointed, the application may be heard by another judge of the same county or district court or by any judge who may for the time being be acting as a judge of such court.
- 2. Subsection 2 of section 4 of *The Change of Name Act*, 1939, c. 6, 1939, is amended by striking out the words "first publication subs. 2, of the notice of application" in the fourth and fifth lines amended, and inserting in lieu thereof the words "making of the application," so that the said subsection shall now read as follows:
 - (2) Every application shall be accompanied by an affi-Application davit of the applicant deposing that he has resided panied by in the county or district in which the application is

made for a period of not less than one year immediately prior to the making of the application, that the statements contained in the application are true and that the application is made by the applicant in good faith and for no improper purpose.

1939, c. 6, s. 6, cl. c, amended.

- **3.** Clause c of section 6 of *The Change of Name Act, 1939*, is amended by striking out the words "of the applicant" in the first line, so that the said clause shall now read as follows:
 - (c) an affidavit proving publication of the notice of application.

Short title. 4. This Act may be cited as The Change of Name Amendment Act. 1940.

CHAPTER 4.

An Act respecting Survivorship in Common Disasters.

Assented to February 24th, 1940. Session Prorogued February 24th, 1940.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Where two or more persons die in circumstances order of rendering it uncertain which of them survived the other or sumed. others, such deaths shall, subject to subsections 2 and 3, for all purposes affecting the title to property, be presumed to have occurred in the order of seniority, and accordingly the younger shall be deemed to have survived the older.
- (2) The provisions of this section shall be read and con-Exceptions strued subject to the provisions of section 175 of The Insurance to presumption,—as the Act and of section 36 of The Wills Act.

 Rev. Stat.
 6.256, 184, 6.
- (3) Where a testator and a person who, if he had survived as to provisions the testator, would have been a beneficiary of property under in will, the will, die in circumstances rendering it uncertain which of them survived the other, and the will contains further provisions for the disposition of the property in case that person had not survived the testator or died at the same time as the testator or in circumstances rendering it uncertain which survived the other, then for the purpose of that disposition the will shall take effect as if that person had not survived the testator or died at the same time as the testator or in circumstances rendering it uncertain which survived the other as the case may be.
 - 2. This Act may be cited as The Commorientes Act, 1940, Short title.



CHAPTER 5.

An Act to amend The Companies Act.

Assented to February 24th, 1940. Session Prorogued February 24th, 1940.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. Subsection 4 of section 52 of *The Companies Act* is Rev. Stat., amended by adding at the end thereof the words "provided subs. 4, that where the shares of a company are registered on a recog. amended nized stock exchange within or outside of Ontario an instrument appointing a proxy, whether executed within or outside of Ontario, may contain restrictions, limitations or instructions necessary to comply with the laws of the jurisdiction in which such stock exchange is situated," so that the said subsection shall now read as follows:
 - (4) An instrument appointing a proxy may be according Form of to Form 5 or such other form as may be prescribed by the by-laws of the corporation and shall not contain anything but the appointment of the proxy or a revocation of a former instrument appointing a proxy; provided that where the shares of a company are registered on a recognized stock exchange within or outside of Ontario an instrument appointing a proxy, whether executed within or outside of Ontario, may contain restrictions, limitations or instructions necessary to comply with the laws of the jurisdiction in which such stock exchange is situated
- 2. Section 306 of *The Companies Act* is amended by in-Roy, Stat., serting at the commencement thereof the words "Subject or 251, 8. 306, to the provisions of section 306a" and by striking out the word "holding" in the third line and inserting in lieu thereof the word "holds," so that the said section shall now read as follows:
 - 306. Subject to the provisions of section 306a, no person Directors shall be eligible to become or shall be elected a stock indirector of a joint stock insurance company unless surance company, he is of the full age of twenty-one years and holds qualification in his own name and for his own use and absolutely

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in his own right shares of the capital stock of the company upon which at least \$1,000 has been paid in and has paid in cash all calls and instalments due thereon and all liabilities incurred by him to the company.

Rev. Stat. 3. The Companies Act is amended by adding thereto the amended. following section:

Shareholders' directors; policyholders' directors. 306a.—(1) A joint stock life insurance company may, by by-law, provide that the affairs of the company shall be managed by a board of directors of whom a specified number, herein called shareholders' directors, shall be elected by the shareholders of the company, and a specified number, herein called policyholders' directors, shall be elected by those persons, herein called participating policyholders, whose lives are insured under a participating policy or participating policies of the company for at least \$2,000 upon which no premiums are due, whether or not any such person is a shareholder of the company.

Number of directors;

vacancies.

filling

(2) A by-law passed pursuant to subsection 1 shall provide for the election of not less than nine nor more than twenty-one directors, of whom not less than one-third shall be policyholders' directors, and any vacancy occurring in the board of directors may be filled for the remainder of the term by the directors.

Participating policyholders, right to vote.

(3) Participating policyholders shall be entitled to attend and vote in person and not by proxy at all general meetings of the company but as such shall not be entitled to vote for the election of shareholders' directors; provided that this section shall not confer rights or impose liabilities on such participating policyholders in any liquidation of the company.

Policyholders' director, qualifications. (4) Every holder of a participating policy or participating policies of the company for at least \$4,000 exclusive of bonus additions, upon which no premiums are due, who is not a shareholder, and who has paid premiums on such policy or policies for at least three full years shall be eligible for election as a policyholders' director.

Annual meeting. (5) Every such life insurance company shall have a fixed time in each year for its annual meeting and such time shall be printed in prominent type on each renewal receipt issued by the company, and in addition to all other notices required to be given

by this Act, it shall give fifteen days' notice of such meeting in two or more daily newspapers published at or as near as may be to the place where the company has its head office.

- (6) Any by-law of a life insurance company heretofore Validity of passed providing for or relating to the election of heretofore policyholders' directors in the manner provided by this section shall be deemed to be valid and effective from the date thereof, or the date provided therein for the coming into force thereof, as if passed pursuant to the provisions of this section.
- 4. This Act may be cited as The Companies Amendment Short title. Act, 1940.



CHAPTER 6.

An Act to amend The Corporations Tax Act, 1939.

Assented to February 24th, 1940. Session Prorogued February 24th, 1940.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. The Corporations Tax Act, 1939, is amended by adding 1939, c. 10. thereto the following section:
 - 9a. Every incorporated company upon which taxes are Further imposed by sections 3 to 9 shall for every fiscal year able by of such company pay an additional tax equal to twenty-company. five per centum of the taxes imposed by such sections upon such incorporated company.
- 2. Subsection 1 of section 14 of *The Corporations Tax* 1939, c. 10. Act, 1939, is amended by striking out the word "two" in the subset is sixth line and inserting in lieu thereof the word "five," so that amended. the said subsection shall now read as follows:
 - (1) In addition to the taxes imposed in sections 10 and Tax on net 12, and save as in this section otherwise provided, every incorporated company which has its head or other office in Ontario, or which holds assets in Ontario, or which transacts business in Ontario, shall for every fiscal year of such company pay a tax of five per centum calculated upon the net income of the incorporated company.
- 3. Section 15 of *The Corporations Tax Act, 1939*, is amended ^{1,939}, c. 10. by striking out the word "two" in the fourth line and inserting ^{amended}. in lieu thereof the word "five," so that the said section shall now read as follows:
 - 15. In addition to the taxes imposed by sections 5, Railway 11 and 13 any incorporated company owning, operativation of ing or using a railway which also owns, operates or income. Uses an hotel or hotels in Ontario shall pay a tax of five per centum calculated on the net income derived from the operation of such hotel or hotels and net income for the purposes of this section shall be

determined in the manner provided by subsections 2, 4 and 5 of section 14 in so far as the definition of net income therein applies to the income from the operation of hotels in Ontario.

1939, c. 10, s. 36, amended. **4**. Section 36 of *The Corporations Tax Act, 1939*, is amended by adding thereto the following subsection:

Tax and penalty to be lien on property.

(2) Every tax and penalty imposed by this Act on an incorporated company owning, operating or using a railway shall be a special lien on any property, real and personal, in which such incorporated company has any interest, legal or equitable (other than as lessee or under any agreement for running rights or operating rights) in priority to every claim, privilege, lien or incumbrance, whether heretofore or hereafter created, of every person, and the lien and its priority shall not be lost or impaired by any neglect, omission or error of any Minister, officer, servant or agent of the Crown, or by want of registration.

Taxes, when payable.

- 5. Notwithstanding the provisions of section 20 of *The Corporations Tax Act*, 1939,
 - (a) the tax imposed by section 9a of The Corporations Tax Act, 1939, as enacted by this Act;

1939, c. 10.

- (b) the difference between the tax imposed by subsection 1 of section 14 of *The Corporations Tax Act, 1939*, and the tax imposed by the said subsection as amended by this Act; and
- (c) the difference between the tax imposed by section 15 of The Corporations Tax Act, 1939, and the tax imposed by the said section as amended by this Act,—

shall, for the fiscal year of any company which ended on and after the 1st day of January, 1939, and up to and including the 31st day of October, 1939, be payable within thirty days of the day upon which this Act comes into force and the provisions of section 20 and subsections 10 and 11 of section 21 of The Corporations Tax Act, 1939, shall, with respect to the payment of such tax or difference, as the case may be, imposed for fiscal years which ended on and between such dates and of interest thereon, apply as though the thirtieth day following the day upon which this Act comes into force were the last day of the month which ends four months from the close of each of such fiscal years.

Commencement of Act. (1) This Act shall come into force on the day upon which it receives the Royal Assent.

- (2) The provisions of sections 1, 2 and 3 shall apply to Application companies in respect of all fiscal years ending in 1939, 1940 of ss. 1, 2, 3, and 1941; provided that in respect of all fiscal years of companies ending thereafter no tax shall be payable under section Proviso. 9a of The Corporations Tax Act, 1939, as enacted by this Act, and the word "five" where it appears in the sixth line of subsection 1 of section 14 and in the fourth line of section 15 of the said Act, as amended by this Act, shall be deemed to read "two"; provided further that in respect of the fiscal year Proviso of any company which ended in 1939,—
 - (a) the tax imposed by section 9a of *The Corporations* Tax Act, 1939, as enacted by this Act;
 - (b) the difference between the tax imposed by subsection 1 of section 14 of *The Corporations Tax Act, 1939*, and the tax imposed by the said subsection as amended by this Act; and
 - (c) the difference between the tax imposed by section 15 of *The Corporations Tax Act, 1939*, and the tax imposed by the said section as amended by this Act.—

shall be reduced by an amount equal to that proportion of the tax or difference, as the case may be, which the number of days of such fiscal year which are in the calendar year 1938 bear to the total number of days of such fiscal year and pro-Proviso. vided further that in respect of the fiscal year of any company which ends in 1941,—

- (a) the tax imposed by section 9a of *The Corporations*Tax Act. 1939, as enacted by this Act;
- (b) the difference between the tax imposed by subsection 1 of section 14 of *The Corporations Tax Act, 1939*, and the tax imposed by the said subsection as amended by this Act; and
- (c) the difference between the tax imposed by section 15 of The Corporations Tax Act, 1939, and the tax imposed by the said section as amended by this Act,—

shall be reduced by an amount equal to that proportion of the tax or difference, as the case may be, which the number of days of such fiscal year which are in the calendar year 1941 bear to the total number of days of such fiscal year.

- (3) The provisions of section 4 shall apply to companies Application in respect of all fiscal years ending in 1940 and subsequent of s. 4. fiscal years.
- 7. This Act may be cited as The Corporations Tax Amend-Short title.



CHAPTER 7.

The Credit Unions Act, 1940.

Assented to February 24th, 1940. Session Prorogued February 24th, 1940.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Interpretation.

1. In this Act.—

Interpreta-

- (a) "amendment of by-law" shall include a new by-law, "amendment of and a resolution revoking a by-law;"
- (b) "by-laws" shall mean by-laws approved of by the "by-laws;" Minister, and shall include any amendment of a by-law approved of by the Minister;
- (c) "credit union" shall mean a credit union incorporated "credit union;" under the provisions of this Act;
- (d) "department" shall mean the Department of the "department," Government presided over by the Minister;
- (e) "inspector" shall mean inspector of credit unions "inspector;" appointed under this Act;
- (f) "land" shall include hereditaments and chattels real, "land;" and any interest therein;
- (g) "meeting" shall include a meeting of delegates "meeting;" appointed by members;
- (h) "Minister" shall mean the member of the Executive "Minister;" Council charged with the administration of this Act;
- (i) "office" shall mean the registered office of a credit "office;" union;
- (j) "officer" shall include treasurer, secretary, member "officer" of the board of directors, manager, or servant, other than a servant appointed by the board of directors, of a credit union;

"persons claiming

Chap. 7.

(k) "persons claiming through a member" shall include the heirs, executors, administrators, and assigns of a member;

"property;"

(1) "property" shall include all real and personal estate;

"registrar;"

(m) "registrar" shall mean registrar of credit unions appointed under this Act;

"regulations." (n) "regulations" shall mean regulations made under this Act. R.S.O. 1937, c. 258, s. 1; 1939, c. 12, ss. 1, 2. Amended.

Appointment of officers, etc. **2**. The Lieutenant-Governor in Council may appoint a registrar of credit unions, an inspector of credit unions, and such other officers, clerks and employees as he deems necessary.

Applications.

Applications to be subject to approval of Minister. 3. All applications under this Act shall be subject to the approval of the Minister after consideration of the compliance of such application with the provisions of this Act and of all circumstances connected therewith, and the Minister or any officer of the Department to whom an application is referred may, for the purpose of any inquiry into such circumstances and the sufficiency and regularity of the application, take evidence in writing under oath or affirmation. R.S.O. 1937, c. 258, s. 2.

Application to be by way of memorandum of association. **4.** All applications to the Minister for incorporation, or for his approval of any act which requires his approval, shall be by memorandum of association, verified by affidavit or declaration. R.S.O. 1937, c. 258, s. 3. *Amended*.

Incorporation.

Object of incorporation.

5. Credit unions may be incorporated having for their object or purpose the receiving of moneys on deposit from members and as payment for shares and the making of loans to members with or without security for provident and productive purposes. R.S.O. 1937, c. 258, s. 4; 1939, c. 12, s. 1. *Amended*.

Number of persons necessary to incorporate.

6.—(1) Any number of persons not less than twenty, capable of contracting, may be incorporated as a credit union.

Memorandum of association (2) Such persons shall sign in duplicate, before two witnesses, a memorandum of association in the prescribed form,

Chap. 7.

and one copy of such memorandum, with a copy of the bylaws, shall be forwarded by registered post or otherwise delivered to the registrar, and the other, with a copy of the by-laws, shall remain on file with the credit union: R.S.O. 1937, c. 258, s. 5; 1939, c. 12, s. 1. *Amended*.

- 7. Upon receiving any memorandum of association the Certificate of Minister may, in his discretion, refuse to issue a certificate of poration. incorporation, or may issue a certificate of incorporation and give notice thereof in the Ontario Gazette and thereupon such credit union shall be a corporation under the name described in the certificate and notice, and all property, for the time being, vested in any person in trust for the credit union shall be vested in the credit union and the certificate of incorporation and the by-laws of the credit union, together with this Act, shall constitute the charter of the credit union. 1939, c. 12, s. 3. Amended.
- 8. The production of a copy of the *Ontario Gazette* containing Evidence of incorporation of a credit union shall be conclusive poration evidence that such credit union is duly incorporated. R.S.O. 1937, c. 258, s. 8; 1939, c. 12, s. 1.
- 9. The membership of a credit union shall be limited to Membership persons having a common bond of occupation or association or to persons within a well-defined neighbourhood or community. New.

Registered Office.

10. Every credit union shall have a registered office, to Registered which all communications and notices shall be sent, and the credit union shall send to the registrar written notice of the union location of such registered office and of every change of such location. R.S.O. 1937, c. 258, s. 10; 1939, c. 12, s. 1.

Land.

11. A credit union may, by by-law, provide for the Power to holding, purchasing or leasing, in its own name, of land and for the sale, exchange or leasing thereof or the erection of buildings thereon. R.S.O. 1937, c. 258, s. 11 (1); 1939, c. 12, s. 1. Amended.

Name.

Name.

12. No credit union shall be registered under a name identical with that of any other credit union or of any company or organization or under a name so nearly resembling that of any other credit union, company or organization as, in the opinion of the Minister, to be likely to deceive. *New*.

"Limited" in name. 13. The word "Limited" shall be the last word of the name of every credit union. New.

Use of words "credit union."

s 14. No person or persons shall trade or carry on business under any name or title of which the words "credit union" form a part unless such person or persons are duly incorporated under this Act. New.

Change of name by 15.—(1) The Minister may at any time change the name of any credit union where he deems it to be identical with the name of any other credit union or any company or organization or so nearly to resemble any such name as to be likely to deceive, or, for any other reason to be objectionable.

by resolu-

(2) Subject to the approval of the Minister, a credit union may by resolution approved by two-thirds of its members and adopted at a general meeting called for that purpose, change its name.

Publication.

(3) Every change of name of a credit union shall be effective from the date of the publication of notice thereof in the *Ontario Gazette*, but no such change of name shall affect any right or obligation of the credit union or of any member thereof, and any pending legal proceedings may be continued by or against the credit union notwithstanding such change. *New*.

By-laws.

By-laws.

- 16. By-laws of a credit union may,—
 - (a) prescribe the purposes for which the profits of the credit union may be appropriated;
 - (b) prescribe the maximum number of shares which may be held by a member of the credit union;
 - (c) prescribe the maximum amount which may be deposited by or loaned to a member thereof;
 - (d) provide for the expulsion and withdrawal of members thereof;

- (e) prescribe the form of any instrument necessary for carrying the purposes of the credit union into effect;
- (f) provide for such other matters as may be authorized by the regulations. New.
- 17.—(1) No by-law or amendment of a by-law shall be Amendvalid until it has been approved by the Minister, for which ments to purpose two copies thereof, signed by three members and the secretary, or by the president and the secretary, shall be sent to the registrar.
- (2) The Minister, on being satisfied that a by-law or amendapproval of ment of a by-law has been duly passed by the credit union, amendment may approve thereof. R.S.O. 1937, c. 258, s. 16; 1939, c. 12, s. 1. Amended.
- 18. The by-laws of the credit union shall bind the credit By-laws,—union and every member thereof and every person claiming through a member, to the same extent as if such member had subscribed his name and affixed his seal thereto, and as if there were contained in such by-laws a covenant on the part of such member, his heirs, executors, administrators and assigns, to conform thereto subject to the provisions of this Act. R.S.O. 1937, c. 258, s. 17; 1939, c. 12, s. 1. Amended.
- 19. A copy of the by-laws of the credit union shall be copies of delivered by the credit union to every member on demand by-laws. on payment of a sum fixed by the by-laws. R.S.O. 1937, c. 258, s. 15; 1939, c. 12, s. 1. *Amended*.

Capital, Shares and Business.

- 20. A credit union may create a capital divided into shares, shares, and the amount thereof, the number of shares and the payments thereon, shall be determined by its by-laws; provided that the amount of each share shall not exceed \$10. R.S.O. 1937, c. 258, s. 21; 1939, c. 12, s. 1. Amended.
- 21. The capital of the credit union may, subject to the Capital, by-laws, be increased by subscriptions for new shares or the how admission of new members, and it may be diminished by withdrawals. R.S.O. 1937, c. 258, s. 22; 1939, c. 12, s. 1.

 Amended.
- 22. Any corporation may, providing its charter or other order instrument of incorporation permits, hold shares in a credit union may union, provided that the credit union shall not lend any part of its funds to such other corporation until the Minister has given his consent to such loan. R.S.O. 1937, c. 258, s. 23; 1939, c. 12, s. 1. Amended.

Votes.

23. No member shall have more than one vote, and voting by proxy shall be allowed only when shares are held by an agricultural association, a municipal body, a school board, or other corporation. R.S.O. 1937, c. 258, s. 24.

Members under twenty-one. 24. A person under the age of twenty-one years may, subject to the limitations of the by-laws, be a member of a credit union, and every such person may enjoy all the rights of a member, except as herein provided, and execute all instruments and give all acquittances necessary to be executed or given under the by-laws, but shall not be a trustee, manager, treasurer or a member of the board of directors, credit committee or supervisory committee of the credit union. R.S.O. 1937, c. 258, s. 9; 1939, c. 12, s. 1. Amended.

List of members and shares.

- **25**. Every credit union shall keep a register or list of members and shares which shall be *prima facie* evidence of any of the following matters entered therein:—
 - (a) the names, addresses and occupations of the members, the number of shares held by them respectively, the numbers of such shares, if they are distinguished by numbers, and the amount paid or agreed to be paid on any such shares;
 - (b) the date at which the name of any such person or corporation was entered in such register or list as a member; and
 - (c) the date at which any such person or corporation ceased to be a member. R.S.O. 1937, c. 258, s. 26; 1939, c. 12, s. 1. Amended.

Recovery of moneys payable by **26.**—(1) All moneys payable by a member to a credit union shall be a debt due from such a member to the credit union and shall be recoverable as such in any court of competent jurisdiction.

Credit union to have lien on shares.

(2) A credit union shall have a lien on the shares of any member for any debt due to it by him, and may set off any sum standing to the credit of such member on the books of the credit union, in or towards the payment of such debt. R.S.O. 1937. c. 258, s. 27; 1939, c. 12, s. 1. Amended.

Guarantee fund.

27.—(1) Every credit union shall set aside at least twenty per centum of its yearly net profits as a guarantee fund to meet losses, and the fund shall be held as a reserve against uncollectible loans and losses. R.S.O. 1937, c. 258, s. 28; 1939, c. 12, s. 1. Amended.

Educational fund.

(2) A credit union may by by-law provide that, after making provision for the guarantee fund and before declaring a divi-

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dend, an amount not exceeding five per centum of the net earnings shall be set aside in a special fund which shall be used for such educational purposes as may be determined by the by-law. New.

- 28.-(1) No credit union shall advance money by discount, Advances to loan or otherwise to, nor accept deposits from, any person only. other than members thereof. R.S.O. 1937, c. 258, s. 29; 1939, c. 12, s. 1.
- (2) Interest together with all charges and penalties shall Interest rate on loans. not exceed one per centum per month on the unpaid balance of any loan.
- (3) No officer or member of a committee or of the board of Loans to officers, etc. directors of a credit union shall borrow or have on loan an amount in excess of the aggregate of his fully paid up shares and deposits unless such loan is approved by a two-thirds majority at a joint meeting of the board of directors and credit committee. 1939, c. 12, s. 5. Amended.

Board of Directors.

- 29.—(1) Every credit union shall at its first general meet-Board of ing, elect from its members a board of directors of at least five directors. members who shall hold office for such term as the by-laws may prescribe and until their successors are elected.
- (2) The board shall perform such duties as may be pre-Duties of scribed by this Act, the regulations, and the by-laws of the board. credit union. R.S.O. 1937, c. 258, s. 30; 1939, c. 12, s. 1. Amended

Credit Committee.

- 30 .- (1) Every credit union shall, at its first general Credit committee, meeting, elect from its members a credit committee of at least three members, who shall not be members of the board of directors or the supervisory committee or officers of the credit union and who shall hold office for such term as the by-laws may prescribe and until their successors are elected, provided that if the by-laws so provide the president shall be ex officio a member of the credit committee. R.S.O. 1937, c. 258, s. 31 (1): 1939, c. 12, s. 1. Amended.
- (2) It shall be the duty of the committee to consider all Duties of committee. applications for loans and to approve all loans of the credit union. R.S.O. 1937, c. 258, s. 31 (4); 1939, c. 12, s. 1. Amended.

Supervisory Committee.

Supervisory committee.

31.—(1) Every credit union shall at each annual meeting elect from its members a supervisory committee of three members, who shall not be members of the board of directors or credit committee or officers of the credit union. R.S.O. 1937, c. 258, s. 32 (1); 1939, c. 12, s. 1. *Amended*.

Tenure of

(2) The members of the committee shall hold office for such term as the by-laws may prescribe and until their successors are elected. R.S.O. 1937, c. 258, s. 32 (2). Amended.

Duties.

(3) The committee shall, from time to time, examine and audit the books of the credit union and deposit books of the members and shall check the cash investments and securities of the credit union.

Misappropriation of funds. (4) In the event of any of the funds, securities or other property of the credit union being misappropriated or otherwise misdirected from their proper use, or in the event of any of the by-laws of the credit union being contravened by the board of directors or credit committee, or any member thereof, or by any officer, the committee shall forthwith call a general meeting of the credit union, and pending the holding of such meeting the committee may suspend any member of the board of directors or credit committee or any officer, and may appoint a member of the credit union to perform the duties of any person so suspended, until such meeting of the credit union

General meeting. (5) The committee shall report to the meeting all circumstances relating to any misappropriation of funds, securities or other property or any improper diversion thereof, and the reasons for any suspension and the members of the credit union may by a vote of two-thirds of the members present at the meeting or at any adjournment thereof, dismiss from office or reinstate any member of the board of directors or credit committee or officer so suspended. R.S.O. 1937, c. 258, s. 32 (3-6): 1939, c. 12, s. 1. Amended.

Annual report.

(6) The committee shall submit a written report to each annual general meeting. R.S.O. 1937, c. 258, s. 32. Amended.

Payment and Bonding of Officers.

Payments to officers.

32. All payments to officers of the credit union for services rendered shall be approved by the board of directors. R.S.O. 1937, c. 258, s. 33; 1939, c. 12, s. 1.

33. Every officer of a credit union who receives or has Bond of charge of money, shall, before assuming the duties of his office, furnish a bond for the due accounting of moneys received by him and the faithful performance of his duties, with such sureties and in such form and amount as the board of directors may determine. *New.*

Investment.

- **34.**—(1) A credit union may invest any part of its funds Investin or upon any security authorized by its by-laws.
- (2) A credit union which has invested any part of its funds Representation the shares or on the security of any other corporation may proxy. appoint as proxy any one of the members of such credit union.
- (3) The proxy shall, during the continuance of his appoint-Extent of ment, be deemed to be the holder of any such shares for all proxy. purposes except the transfer of such shares, or the giving of receipts for any dividend thereon. R.S.O. 1937, c. 258, s. 34; 1939, c. 12, s. 1. Amended.

Borrowing Powers.

- **35.** The board of directors of a credit union may pass Borrowing resolutions for borrowing money; provided that nothing in money. this section or sections 37 to 39 shall apply to promissory notes, bills of exchange, or other securities of a commercial nature issued in the ordinary course of business. R.S.O. 1937, c. 258, s. 35; 1939, c. 12, s. 1. *Amended*.
- **36.** A credit union shall not borrow an amount in excess of Amount fifty per centum of the capital, deposits and surplus of such borrowed. credit union. *New*.
- 37. No resolution referred to in section 35 shall take effect Must be by until it has been confirmed by a vote of not less than two-twirds. thirds of the members present or represented by proxy at a general meeting of the credit union, duly called for considering such resolution, by notice specifying the terms of the resolution to be confirmed, or until unanimously sanctioned in writing by the members of the credit union; provided that no confirmation of any such resolution shall be required when the total sum borrowed does not exceed twenty-five per centum of the capital, deposits and surplus of the credit union. R.S.O. 1937, c. 258, s. 36; 1939, c. 12, s. 1. Amended.
- **38.**—(1) The board of directors may charge, hypothecate, Mortgaging mortgage, or pledge the real or personal property, rights and **assets*.

powers, undertaking, franchises, including book debts, to secure any liability of the credit union authorized by resolution and confirmed as herein provided. R.S.O. 1937, c. 258, s. 37; 1939, c. 12, s. 1. *Amended*.

Effect of receipt.

(2) No assignee, mortgagee, pledgee, chargee or hypothec holder shall be bound to inquire as to the authority for any such assignment, mortgage, pledge, charge or hypothec by a credit union, and the receipt of the credit union shall be a discharge for all moneys arising from or in connection with such assignment, mortgage, pledge charge, hypothec or other security. R.S.O. 1937, c. 258, s. 38; 1939, c. 12, s. 1.

Contracts.

Contracts.— 39.—(1) Contracts on behalf of a credit union may be made, varied, or discharged as follows.—

under seal,

 (a) any contract which is required by law to be in writing and to be under seal, may be made on behalf of the credit union, in writing under the common seal of the credit union, and may in the same manner be varied or discharged;

in writing.

(b) any contract which is required by law to be in writing and signed by the persons to be charged therewith, may be made on behalf of the credit union in writing by any person acting under the express authority of the credit union, and may in the same manner be varied or discharged;

Contract under seal. variation of. (c) any contract under seal which may by law be varied or discharged by a writing not under seal, signed by any person interested therein, may be varied or discharged on behalf of the credit union by a writing not under seal, signed by any person acting under the express authority of the credit union; and

Oral contracts. (d) any contract which may by law be made by parol and not reduced into writing, may be made by parol on behalf of the credit union by any person acting under the express authority of the credit union, and may in the same manner be varied or discharged.

Signature of officer.

(2) Any signature, purporting to be made by a person holding any office in the credit union, attached to a writing whereby any contract purports to be made, varied or discharged by or on behalf of the credit union, shall be presumed

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prima facie to be the signature of a person holding, at the time when the signature was made, the office so stated.

- (3) All contracts which may be or have been made, varied Form or or discharged according to the provisions of this section, shall, as to matters of form, be effectual in law and binding on the credit union and all other parties thereto, their heirs, executors or administrators, as the case may be. R.S.O. 1937, c. 258, s. 39; 1939, c. 12, s. 1, Amended.
- **40.** A promissory note or bill of exchange shall be deemed Bills of to have been made, accepted or endorsed on behalf of the credit union if made, accepted or endorsed in the name of the credit union, or by or on behalf or on account of the credit union, by any person acting under the express authority of the credit union. R.S.O. 1937, c. 258, s. 40; 1939, c. 12, s. 1.

Reports, Returns and Inspections.

- **41.**—(1) The annual meeting of the credit union shall be Annual held at such time and place as the by-laws of the credit union provide, and in default of provisions in that behalf the annual meeting shall be held at the registered office of the credit union on the fourth Wednesday in January.
- (2) At such meeting the board of directors shall place Business to be dealt with.
 - (a) a balance sheet made up to date not more than three months before such annual meeting;
 - (b) a statement of income and expenditure for the financial period ending upon the date of such balance sheet;
 - (c) the report of the supervisory committee; and
 - (d) such further information respecting the credit union's financial position as the by-laws require. R.S.O. 1937, c. 258, s. 41 (1, 2); 1939, c. 12, s. 1. Amended.
- (3) Every balance sheet shall be drawn up so as to dis-What tinguish at least the following classes of assets and liabilities, to show. namely,—
 - (a) cash;
 - (b) debts owing to the credit union from members;
 - ·(c) land and buildings;

- (d) debts owing by the credit union secured by mortgage or other lien upon the property of the credit union;
- (e) debts owing by the credit union but not secured;
- (f) amount received on shares;
- (g) amount owing on shares;
- (h) amount held on deposit;
- (i) amount paid on withdrawal of shares; and
- (j) indirect and contingent liabilities. R.S.O. 1937, c. 258, s. 41 (3); 1939, c. 12, s. 1. Amended.

Annual statement to be given to members **42**. Every credit union shall without charge supply to every member or other person interested in the funds of the credit union, upon application therefor, or as provided by the by-laws of the credit union, a copy of the last annual balance sheet and return of the credit union. R.S.O. 1937, c. 258, s. 42; 1939, c. 12, s. 1. Amended.

Inspection of books.

43.—(1) Save as provided in this Act, no member or other person shall have any right to inspect the books of the credit union. R.S.O. 1937, c. 258, s. 43 (1); 1939, c. 12, s. 1.

By-laws as to

(2) Any member or other person having an interest in the funds of the credit union may inspect his own account and the books containing the names of the members at all reasonable hours at the registered office of the credit union, or at such other place where they are kept, subject to such condisions as to time and manner of such inspection as may be prescribed by the by-laws.

As to loan or deposit accounts of members. (3) The credit union may, by by-law, authorize the inspection of any of its books therein mentioned, in addition to the books containing the names of members, under such conditions as are thereby prescribed, and no person, unless he is an officer of the credit union or is specifically authorized by a resolution thereof, shall have the right to inspect the loan or deposit account of any other member without his written consent. R.S.O. 1937, c. 258, s. 43 (2, 3); 1939, c. 12, s. 1. Amended.

Disputes.

44. Every dispute not of a pecuniary character, and every dispute of a pecuniary character in which the amount involved or in dispute does not exceed \$100, between a member of a credit union or any person aggrieved who has for not more than six months ceased to be a member of the credit union, or any person claiming through any such member

or person, or claiming under the by-laws of the credit union, and the credit union or any officer thereof, shall be decided in the manner prescribed by the by-laws of the credit union where the by-laws provide therefor. R.S.O. 1937, c. 258, s. 44; 1939, c. 12, s. 1. Amended.

- **45.**—(1) Upon the application of one-tenth of the members application of a credit union, or of one hundred members in the case of a credit union having more than one thousand members, the Minister may,—
 - (a) direct the inspector to examine into and report upon Appointment of the affairs of such credit union;
 - (b) call a special meeting of the credit union.

Special

- (2) Every such application shall be supported by such Notice evidence as the Minister may require, and the Minister may require that notice in such form and manner as he may prescribe shall be given to the credit union or the members thereof.
- (3) The Minister may require any such applicant to furnish Security security for the costs of such inspection or meeting.
- (4) All expenses of and incidental to any such inspection Expenses, or meeting shall be defrayed by the persons applying therefor defrayed. or out of the funds of the credit union, or by the members or officers or former members or officers of the credit union, as the Minister may direct. R.S.O. 1937, c. 258, s. 45 (1-4); 1939, c. 12, s. 1. Amended.
- (5) The Minister may direct the time and place at which special a special meeting shall be held and may prescribe the matters which shall be discussed and determined at any such meeting, and all the provisions of the by-laws of a credit union relating to general meetings shall apply to every such special meeting thereof. R.S.O. 1937, c. 258, s. 45 (6); 1939, c. 12, s. 1. Amended.
- **46.** A credit union shall, on or before the 1st day of March Yearly in each year deliver to the inspector, in duplicate, an audited statement of the receipts and expenditures, assets and liabilities of the credit union and such other information as may be required by the regulations. 1939, c. 12, s. 7, Part. Amended.
- **47.**—(1) Every credit union shall furnish the inspector with Information such statements with respect to its business, finances and other inspector. affairs and such other information as he may require.
 - (2) The statement and any other information shall be Verification.

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certified by the supervisory committee and shall be verified by the affidavit of the president, and the treasurer or manager.

Inspection.

(3) The inspector or any person authorized by the Minister may inspect and examine into the conditions and affairs of any credit union and shall have access to all books, records and other documents and may make such inquiries as are necessary to ascertain its condition and ability to provide for the payment of its liabilities as they become due, and whether or not it has complied with the provisions of this Act, and the officers and employees shall facilitate such inspection and examination.

Examination under oath.

(4) The inspector or any person authorized by the Minister may examine under oath officers, employees, members and members of any board, of any credit union in order to obtain any information which he deems necessary for the purpose of any inspection or examination, and upon such inspection or examination the inspector or any person so authorized shall have all the powers that may be conferred upon a commissioner under *The Public Inquiries Act*.

Rev. Stat., c. 19.

Reports.

(5) The inspector may, and at the request of the Minister shall, prepare from statements filed by the credit unions and from inspections and examinations, a report showing particulars of the business of each credit union and every such report may be printed and if printed shall be published forthwith. 1939, c. 12, s. 7, part. Amended.

Federations.

Federations,— **48**.—(1) A credit union may by a resolution passed at an annual meeting thereof provide for the formation of a federation of two or more credit unions or for entering into membership of a federation already formed.

purpose of.

(2) The purpose of every federation of credit unions shall be the protection and advancement of the credit unions which are members thereof. New.

Dissolution.

Dissolution.

49.—(1) A credit union may be dissolved by consent of three-fourths of its members, shown by their signatures to an instrument of dissolution.

Contents of instrument.

(2) The instrument of dissolution shall set forth the liabilities and assets of the credit union, the number of members and the nature of their respective interests in the credit union, the claims of creditors, if any, and the provision to be made for their payment, and the intended appropriation or division of the funds or property of the credit union unless

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the appropriation or division is by the instrument of dissolution to be left to the award of the registrar.

- (3) A statutory declaration shall be made by the president Statutory and secretary that the provisions of this Act have been complied with, and shall be sent to the registrar with the instrument of discolution.
- (4) The registrar shall cause a notice of the dissolution Notice of to be published, at the expense of the credit union, in the Ontario Gazette and in a newspaper having a general circulation in the district in which the registered office of the credit union is situated. New.
- **50.**—(1) Subject to the approval of the Lieutenant-Dissolution Governor in Council, the Minister may by order dissolve a credit union if he is satisfied that:
 - (a) the incorporation of the credit union was obtained by fraud or mistake;
 - (b) the credit union exists for an illegal purpose;
 - (c) the number of members has been reduced to less than twenty;
 - (d) the credit union is not carrying on business or is not in operation; or
 - (e) the credit union has, after notice by the registrar, violated any of the provisions of this Act.
- (2) The registrar shall give the credit union not less than Notice by two months' notice of proposed dissolution, specifying the registrar. reason therefor and stating that, unless cause is shown to the contrary within such period, the name of the credit union will be struck off the register and the credit union dissolved.
- (3) At the expiration of the time mentioned in the notice when the Minister may unless cause to the contrary is previously effective. shown by the credit union strike the name of the credit union off the register, and in such case he shall publish notice thereof in the *Ontario Gazette*, whereupon the credit union shall be dissolved. *New*.
- 51. In case of a dissolution of a credit union, the credit settlements union shall nevertheless be deemed to be subsisting and to dissolution. be in all respects subject to the provisions of this Act, so long and so far as any matter relating thereto remains unsettled, to the intent that the credit union may do all things necessary for the winding up of its affairs, and may sue and be sued. New.

Notice. 52. Where proceedings are taken under *The Winding Up* R.S.C. c.213. *Act* (Canada) in respect of any credit union, the secretary shall send notice thereof to the registrar by prepaid registered post. *New*.

Shares not to be withdrawn by officers, etc.

53. Officers and members of boards of directors or committees and other members entrusted with or participating in the direct management of the credit union's affairs shall not withdraw or transfer their shares during the exercise of their functions, and in case of the credit union's insolvency any such withdrawal or transfer made by any of them, within four months preceding such insolvency shall be null and void, and such member shall remain liable to the creditors of the credit union to the extent of such shares so withdrawn or transferred. R.S.O. 1937, c. 258 s. 49; 1939, c. 12, s. 1. Amended.

Offences.

Offences of credit unions, -

54.—(1) Every credit union which fails to comply with any of the provisions of this Act or the regulations or which makes any return or furnishes any information, required to be made or furnished under this Act or the regulations, containing any false statement, shall be guilty of an offence.

of officers and others (2) Every offence by a credit union under this Act shall be deemed to have been also committed by every officer of the credit union who is bound by the by-laws thereof to fulfil the duty whereof such offence is a breach, or, if there be no such officer, then by every member of the board of directors unless such member is found to have been ignorant of, or to have attempted to prevent the commission of such offence, and every act or default under this Act constituting an offence, if continued, shall constitute a new offence in every week during which it continues. R.S.O. 1937, c. 258, s. 52; 1939, c. 12, s. 1. Amended.

Penalty for

(3) Any credit union or other person guilty of an offence under this Act shall be liable to a penalty of not less than \$20 and not exceeding \$200 for every such offence and, in the case of a person other than a credit union, in default of payment such person shall be liable to imprisonment for a term not exceeding three months.

Recovery of penalties. Rev. Stat., c. 136.

(4) The penalties imposed by this Act may be recovered in the manner provided by *The Summary Convictions Act.* 1939, c. 12, s. 8.

Regulations.

Regulations

- 55. The Lieutenant-Governor in Council may make regulations,—
 - (a) prescribing the form and contents of the by-laws

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of credit unions and the matters in relation to which by-laws may be passed;

- (b) prescribing the procedure and forms to be used under this Act;
- (c) prescribing information to be furnished to the registrar and the inspector;
- (d) prescribing the fees payable for incorporation, inspection and supervision of credit unions and for the filing of any memorandum of association, return or other document required or permitted to be filed under this Act;
- (e) controlling and regulating federations of credit unions;
- (f) governing the management and control of credit unions and generally for the better carrying out of the provisions of this Act. 1939, c. 12, s. 9. Amended.
- **56**.—(1) This Act, except in so far as it is otherwise Application expressly declared, shall apply to,—
 - (a) co-operative credit societies incorporated under *The Co-operative Credit Societies Act*, being chapter 64 of the Statutes of Ontario, 1922;
 - (b) co-operative credit societies and credit unions incorcorporated under The Co-operative Credit Societies Act, being chapter 258 of the Revised Statutes of Ontario, 1937, or The Credit Unions Act, being chapter 258 of the Revised Statutes of Ontario, 1937, as amended by chapter 12 of the Statutes of Ontario, 1939, and
 - (c) credit unions incorporated under this Act.
- (2) Every co-operative credit society incorporated under Idem. The Co-operative Credit Societies Act, being chapter 64 of the Statutes of Ontario, 1922, or The Co-operative Credit Societies Act, being chapter 258 of the Revised Statutes of Ontario, 1937, shall for the purposes of this Act be deemed a credit union.
- 57. The Credit Unions Act and The Credit Unions Amend-0.288 and ment Act, 1939, are repealed.

 Rev. Stat., 0.288 and amendments thereto repealed.
- **58.** This Act shall come into force on the day upon which Commenceit receives the Royal Assent.
 - 59. This Act may be cited as The Credit Unions Act, 1940. Short title.



CHAPTER 8

An Act to amend The Dairy Products Act, 1938.

Assented to February 24th, 1940. Session Prorogued February 24th, 1940.

- 1. The Dairy Products Act, 1938, is amended by adding 1938, c. 7, thereto the following section:
 - 4a. A person who holds a license under The Milk Control When Act to process milk shall not require a license under required. this Act to operate a milk condensery, milk powder Rev. Stat., plant or milk separating plant; provided that the c. 76. other provisions of this Act and the regulations shall apply to every such plant.
- 2. Section 5 of *The Dairy Products Act*, 1938, is amended by 1938, e. 7. adding at the commencement thereof the words "Subjects amended to the provisions of section 4a," so that the said section shall now read as follows:
 - 5. Subject to the provisions of section 4a every person Penalty for who operates a plant without a license issued under without a this Act shall, in addition to any other penalty pro-license. vided by this Act, be liable to a penalty of \$10 for every day during which such plant is so operated.
- 3. This Act may be cited as The Dairy Products Amend-Short title. ment Act, 1940.



CHAPTER 9.

An Act to amend The Highway Traffic Act.

Assented to February 24th, 1940. Session Prorogued February 24th, 1940.

- 1.—(1) Subsection 1 of section 9 of *The Highway Traffic* Rev. Stat., *Act* is amended by striking out the word "three" in the subs. 1, fourth line and inserting in lieu thereof the word "six," so amended that the said subsection shall now read as follows:
 - (1) The provisions of sections 3 and 5, and subsection 1 Exceptions of section 7 shall not apply to a motor vehicle owned residents by any person who does not reside or carry on busi-provinces. ness in Ontario for more than six consecutive months in each year, if the owner thereof is a resident of some other province of Canada, and has complied with the provisions of the law of the province in which he resides as to registration of a motor vehicle and the display of the registration number thereon, and provided the province of residence grants similar exemptions and privileges with respect to motor vehicles registered under the laws of and owned by residents of Ontario.
- (2) Subsection 2 of the said section 9, as re-enacted by Rev. Stat., section 4 of *The Highway Traffic Amendment Act*, 1938, is subs. 2, amended by striking out the words "thirty days" in the \$438, c. 17, fourth line and inserting in lieu thereof the words "three amended months," so that the said subsection shall now read as follows:
 - (2) The provisions of sections 3 and 5 and subsection 1 Exceptions of section 7 shall not apply to a motor vehicle owned of section 7 shall not apply to a motor vehicle owned of section 2 shall not apply to a motor vehicle owned of section by any person who does not reside or carry on busi-countries. ness in Ontario for more than three months in any one year if the owner thereof is a resident of a country or state which grants similar exemptions and privileges with respect to motor vehicles registered under the laws of and owned by residents of Ontario and has complied with the provisions of the law of the country or state in which he resides as to registra-

tion of a motor vehicle and the display of registration plates thereon; provided, however, that this subsection shall not apply to commercial motor vehicles.

2. Subsections 5a and 5b of section 10 of The Highway Rev. Stat. 2. Subsections 5a and 5b of section 10 of The Highway c. 288.8.10, Traffic Act as enacted by subsection 2 of section 2 of The and 5b. 4. Highway Traffic Amendment Act. 1939, are amended by Highway Traffic Amendment Act, 1939, are amended by s. 2, subs. 2), inserting after the word "highway" where it occurs in the first line of each of the said subsections the words "outside a city, town or village" so that the said subsections shall now read as follows:

(5a) Whenever on a highway outside a city, town or village after dusk and before dawn every motor vehicle or combination of vehicles having a length in excess of thirty feet or a width in excess of eighty inches shall carry three lamps displaying green lights at the front and three lamps displaying red lights at the rear and the lights of each colour shall be evenly placed not less than six nor more than twelve inches apart along a horizontal line as near the top of the vehicle or combination of vehicles as the permanent structure of the vehicle permits and shall be visible for distances of five hundred feet from the front and rear respectively of the vehicle or combination of vehicles.

Side marker

(5b) Whenever on a highway outside a city, town or village after dusk and before dawn every motor vehicle or combination of vehicles having a length in excess of twenty feet shall carry not less than four side marker lamps, one of which shall be located on each side of the vehicle or combination of vehicles near the front and shall display a green light and one of which shall be located on each side of the vehicle or combination of vehicles near the rear and shall display a red light and each of which lights shall be visible for a distance of five hundred feet from the side of the vehicle or combination of vehicles upon which it is located; provided that a vehicle or combination of vehicles may carry four reflectors approved by the Department in lieu of the side marker lamps required by this section; and provided further that if the clearance lamps upon the left side of any vehicle or combination of vehicles display lights visible for a distance of five hundred feet from the left side of the vehicle or combination of vehicles, it shall not be necessary to carry side marker lamps as required by

Proviso.

Proviso.

- - (2) No vehicle, other than a public vehicle, including Length of load or contents, shall exceed the length of thirty-or combinative feet and no combination of vehicles, including vehicles. load or contents, coupled together, shall exceed the total length of fifty feet.
- (2) The said section 17 is further amended by adding thereto Rev. Stat., the following subsection: $^{\rm 0.288,\ s.\ 17,}_{\rm amended}$
 - (2a) No public vehicle, including load or contents, shall Length of public exceed the length of thirty-five feet.
- **4.**—(1) Subsection 2 of section 39 of *The Highway Traffic* Rev. Stat. Act as amended by subsection 1 of section 7 of *The Highway* Subs. 2. Traffic Amendment Act, 1938, and section 8 of *The Highway* amended. Traffic Amendment Act, 1939, is further amended by adding thereto the following clause:
 - (ff) (i) When a red signal-light illuminated by rapid signal light intermittent flashes is shown at an intersection the driver or operator of a vehicle or of a car of an intermittent electric railway, which is approaching the intersection and facing such light, shall bring his vehicle or car to a full stop before entering such intersection and the right to proceed shall be subject to the rules applicable after making a full stop at a through highway.
 - (ii) When an amber light illuminated by rapid intermittent flashes is shown at the intersection the driver or operator of a vehicle or of a car of an electric railway, which is approaching the intersection and facing such light, may proceed through the intersection only with caution.
- (2) The said section 39 is further amended by adding Rev. Stat., c. 288, s. 39, amended.
 - (18a) For the purposes of this section "intersection" shall "Intersection" and include any portion of a highway distinctly indicated what to as a crossing place for pedestrians by lines or other markings on the surface of the highway.
- 5. This Act may be cited as The Highway Traffic Amend-Short title. ment Act, 1940.



CHAPTER 10.

An Act to amend The Income Tax Act (Ontario).

Assented to February 24th, 1940. Session Prorogued February 24th, 1940.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- **1.**—(1) Paragraph k of section 2 of *The Income Tax Act* $\frac{\text{Rev. Sec.}}{\text{c. 25. 6.2}}, \frac{\text{Sec.}}{\text{c. 25. 6.4}}$. (Ontario) is repealed and the following substituted therefor: $\frac{\text{par. k. re-enacted}}{\text{c. 25. 6.4}}$.
 - (k) "taxpayer" includes any person whether or not liable "Taxpayer." to pay tax.
- (2) The said section 2 is further amended by adding thereto Rev. Stat., c.25, s.2, amended.
 - (r) "personal and living expenses" shall include interalia, "Personal and living expenses"
 - (i) the expenses of properties maintained by any expenses person for the use or benefit of any taxpayer or any person connected with him by blood relationship, marriage or adoption, and not maintained in connection with a business carried on bona fide for a profit and not maintained with a reasonable expectation of a profit;
 - (ii) the expenses, premiums or other costs of any policy of insurance, annuity contract or other like contract if the proceeds of such policy or contract are payable to or for the benefit of the taxpayer or any person connected with him by blood relationship, marriage or adoption:

and the provisions of this paragraph shall extend to expenses of properties and establishments maintained by a personal corporation, estate or trust for the benefit of any of its shareholders or beneficiaries.

2.—(1) Paragraph e of section 3 of The Income Tax Act Rev. Stat., (Ontario) is repealed and the following substituted therefor: par. e, re-enacted.

(e) personal and living expenses when such form part of the profit, gain or remuneration of the taxpayer or the payment of such constitutes part of the gain, benefit or advantage accruing to the taxpayer under any estate, trust, contract, arrangement or power of appointment, irrespective of when created.

Rev. Stat. c. 25, s. 3, amended.

- (2) The said section 3 is amended by adding thereto the following paragraph:
 - (g) annuities or other annual payments received under the provisions of any will or trust, irrespective of the date on which such will or trust became effective, and notwithstanding that the annuity or annual payments are in whole or in part paid out of capital funds of the estate or trust and whether the same is received in periods longer or shorter than one year.

Rev. Stat., c. 25, s. 5, subs. 1, par. d, reenacted.

3.—(1) Paragraph *d* of subsection 1 of section 5 of *The Income Tax Act* (Ontario) is repealed and the following substituted therefor:

Other

(d) One thousand dollars in the case of all other persons except associations, estates and trusts; and

Rev. Stat., c. 25, s. 5, subs. 1, par. l, reenacted.

(2) Paragraph l of subsection 1 of the said section 5 is repealed and the following substituted therefor:

Interest on succession duty.

(l) Annual interest accruing within the taxation period in respect of succession duties or inheritance taxes.

Rev. Stat., c. 25, s. 5, subs. 1, amended. (3) Subsection 1 of the said section 5 is amended by adding thereto the following paragraph:

Lump sum payments to superannuation or pension funds. (m) In the case of any lump sum payment made in Canada by an employer on account of an employees' superannuation or pension fund or plan in respect of past services of employees, made in such manner that the sum is irrevocably charged for the benefit of the said fund or plan, one-tenth of the lump sum payment in each of ten successive years, commencing in the year in which the payment is made; provided, however, that in the case of a lump sum payment heretofore made, a deduction of one-tenth thereof shall be allowed in the 1939 fiscal period and in each fiscal period thereafter until ten years have elapsed from the year of the lump sum payment;

Rev. Stat. c. 25, s. 5, subs. 1, par. m, amended. and by relettering the present paragraph m as mm, and by adding at the end thereof the words "provided further that the deduction provided by this paragraph shall not apply to

taxes imposed by sections 9B and 88 of *The Income War Tax Act* (Canada)", so that the said paragraph *mm* shall now read as follows:

- (mm) The tax payable under the Income War Tax Act Dominion (Canada) in respect of the income of the year; provided, however, that such tax paid or payable by any non-resident person carrying on business in Ontario shall be that portion of the tax payable under the Income War Tax Act (Canada) which the Com-R.S.C., missioner of Income Tax may determine arises by c. 97. reason of the business done in Ontario; provided further that the deduction provided by this paragraph shall not apply to taxes imposed by sections 9B and 88 of the Income War Tax Act (Canada).
- (4) Paragraph a of subsection 4 of the said section 5 is Rev. Stat., amended by striking out the letter m in the second line and and amended. State inserting in lieu thereof the letters "mm", so that the said amended, paragraph shall now read as follows:
 - (4) (a) The exemption or deduction provided by para-where graph mm of subsection 1 shall not apply to the tax not to apply. payable in respect of that portion of the total income of a person which is deemed to be distributed to him by a personal corporation where such personal corporation is incorporated under the laws of a country or state outside of Canada or has its head office outside of Canada.
- 4. Subsection 2 of section 8 of *The Income Tax Act* (Ontario) Rev. 25, 8. t. is repealed and the following substituted therefor:
 - (2) Such deduction shall not exceed the same proportion Limit of of the tax otherwise payable under this Act as that which the taxpayer's net income from sources within such country bears to his entire net income from all sources, without taking into account the exemptions provided by paragraphs c, d, e and i of subsection 1 and subsections 2 and 3 of section 5.
- 5. The Income Tax Act (Ontario) is amended by adding Rev. Stat., thereto the following section:
 - 23b. Where any person carrying on business in Canada Unreason pays to a non-resident as price, rental, royalty or ment to other payment for the use of any property or repro-resident duction thereof, or for any right, an amount which amiliates is not in conformity with similar payments made by other persons in the same kind of business, then such payment may, for the purposes of determining

the income of such person, be adjusted by the Treasurer accordingly, unless he is satisfied that the payor and the recipient are not associated, controlled one by the other, or controlled by the same interests.

Rev. Stat., c. 25, s. 32, amended. **6.** Section 32 of *The Income Tax Act* (Ontario) is amended by adding thereto the following subsection:

Transfer of the right to income.

(4) Where a person has transferred the right to income to any person connected with him by blood relationship, marriage or adoption, or to a trust for his or their benefit, without transferring the ownership of the property producing such income, he shall nevertheless be taxed on the said income as if the transfer had not been made.

Commencement of Act.

7. This Act shall come into force on the day upon which it receives the Royal Assent and its provisions shall be applicable to the incomes of the year 1939 and all fiscal periods ending therein and to the incomes of all subsequent years and fiscal periods.

Short title.

8. This Act may be cited as The Income Tax Amendment Act, 1940.

CHAPTER 11.

An Act to amend The Insurance Act.

Assented to February 24th, 1940. Session Prorogued February 24th, 1940.

- 1. The Insurance Act is amended by adding thereto the Rev. Stat., following section:
 - 26a. Every insurer licensed for the transaction of fire Scope of insurance may, subject to the provisions of its Act license, of incorporation and the restrictions prescribed by the license, insure the same risk against loss or damage from falling aircraft, earthquake, tornado, hail, sprinkler leakage, limited or inherent explosion, civil commotion and impact by vehicles and such other classes of insurance as may be prescribed by the regulations.
- 2. Section 102 of *The Insurance Act* is amended by adding Rev. Stat., thereto the following subsection:
 - (1a) Where an insurer enters into a contract of fire to other insurance with respect to any property and by that hazards or by a separate contract, insures the same property against loss or damage from other hazards which may be insured under a license to transact fire insurance, the provisions of this Part, except where inapplicable to the nature of the risk, shall apply to the contract or the provisions of the contract insuring such other hazards.
- 3. Subsection 2 of section 103 of The Insurance Act is Rev. Stat. o. 256, s. 103, repealed.
- **4.** Clause *d* of subsection 2 of section 107 of *The Insurance* Rev., Stat., *Act* is amended by adding at the end thereof the words "but subs. 2d.1 d. no such stipulation or agreement shall be binding upon the amended. insured unless it is clearly set forth in a written application for the insurance signed by the applicant," so that the said clause shall now read as follows:

Application required.

(d) to the effect that the insurer shall only be liable for a specified percentage of any loss, or in the event of there being other insurance covering any of the property, for a specified percentage of its rateable proportion of any loss, but upon the fulfillment by the insured of certain specified stipulations or agreements, shall be liable for a further specified percentage of the loss, or in the event of there being other insurance covering any of the property, for a further specified percentage of its rateable percentage of the loss, but no such stipulation or agreement shall be binding upon the insured unless it is clearly set forth in a written application for the insurance signed by the applicant.

Rev. Stat., e. 256, amended. **5.** The Insurance Act is amended by adding thereto the following section:

Contract not invalidated by suicide. 175a. An agreement, express or implied, contained in a contract of life insurance for the payment of insurance money in the event that the insured commits suicide shall be lawful and enforceable.

Rev. Stat., c. 256, s. 281, subs. 11, amended.

6. Subsection 11 of section 281 of *The Insurance Act* is amended by striking out the words and figures "on the 30th day of September next after its issue" in the first and second lines and inserting in lieu thereof the words "at such time as the regulations provide," so that the said subsection shall now read as follows:

Term of license.

(11) A license issued hereunder shall expire at such time as the regulations provide unless automatically suspended by notice pursuant to subsection 6 or unless revoked or suspended by the Superintendent, but such license may, in the discretion of the Superintendent, be renewed for a succeeding year upon due application upon a form prescribed by the Superintendent giving such information as he may require, accompanied by a certificate of agency appointment of a licensed insurer and payment of the prescribed fee without requiring anew the detailed information hereinbefore specified.

Short title.

7. This Act may be cited as The Insurance Amendment Act, 1940.

CHAPTER 12.

An Act to amend The Jurors Act.

Assented to February 24th, 1940. Session Prorogued February 24th, 1940.

- is repealed and the following substituted therefor:
 - (p) Every member of His Majesty's Army, Navy or Air Force on full pay.
- 2. This Act may be cited as The Jurors Amendment Act, Short title. 1940.



CHAPTER 13.

An Act to amend The Law Society Act.

Assented to February 24th, 1940. Session Prorogued February 24th, 1940.

- 1. The Law Society Act is amended by adding thereto the Rev. Stat., following section:
 - 44a.—(1) Where a barrister or solicitor has been declared, Power of benchers certified or found to be mentally incompetent or to suspend. mentally ill pursuant to the relevant statutes in that behalf, or has failed to pay any fee payable by him to the Society within one year of the date prescribed for the payment thereof, the benchers may. in the case of a barrister, suspend him from practising as a barrister for such time as they may deem proper and may, in the case of a solicitor, resolve that he should be suspended from practising for a period to be named in the resolution.
 - (2) Where a barrister or solicitor has been suspended Application for from practising under or pursuant to this section, reinstatehe may, upon payment of all fees and penalties owing by him to the Society, apply to be reinstated as a barrister or solicitor or both, as the case may be.
 - (3) Upon every application made under subsection 2, Terminathe benchers may terminate the suspension of such pension. barrister or resolve that the suspension of such solicitor should be terminated on such terms and conditions as they deem proper.
 - (4) A copy of every resolution passed under this section Resolution shall be communicated to the senior registrar of the municated Supreme Court and upon compliance with the terms registrar. or conditions of any resolution passed under subsection 3 by the barrister or solicitor named therein.

the secretary and the senior registrar of the Supreme Court shall do such acts as are necessary to terminate such suspension.

Rev. Stat., c. 221, amended.

2. The Law Society Act is amended by adding thereto the following section:

Remission of penalties.

54. The benchers may remit any fee or penalty which is payable to the Society or any part thereof.

Short title.

3. This Act may be cited as The Law Society Amendment Act, 1940.

CHAPTER 14.

The Local Government Extension Act, 1940.

Assented to February 24th, 1940. Session Prorogued February 24th, 1940.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act.—

Interpretation, -

- (a) "local board" shall mean school board, board of "local education, public utility commission, trustees or board of trustees of a police village, and any other board, commission, committee, body or local authority established or exercising any power or authority under any Act with respect to any of the affairs or purposes, including school purposes, of a municipality, any of the members of which are elected to office for a definite period of time; and
- (b) "municipal council" shall mean council of a local "municipal municipality.
- 2.—(1) Every member of a municipal council in office on Terms exthe 1st day of February, 1941, and elected or appointed to tended. office for the term of one year or part thereof, shall continue in office for the further term of one year and until his successor is elected or appointed and the new council is organized.
- (2) Every member of a local board of a municipality to Idem. which subsection 1 applies, in office on the 15th day of February, 1941, shall, upon the expiration of the term for which he was elected, continue in office for the further term of one year and until his successor is elected and the new local board is organized.
- 3.—(1) Where a vacancy occurs during the year 1942 in Vacancies. a local board or the municipal council of a municipality to which this section then applies, the vacancy shall be filled by a person chosen by vote of the remaining members of such local board or municipal council, as the case may be; provided Proviso.

that where a vacancy occurs in the office of alderman in a city in which aldermen are elected by general vote, such vacancy shall be filled in the manner provided by section 170 of *The Municipal Act*.

Rev. Stat., c. 266.

Eligibility. (2) No person shall be chosen pursuant to subsection 1 who is not eligible to be elected to such local board or municipal council, as the case may be.

Powers,

4. Where all or any of the members of a local board or municipal council are in office by virtue of this Act, such local board or municipal council shall have the same powers and perform the same duties as if all the members thereof had been elected or appointed to office in accordance with the law heretofore in force.

Voters' lists. Rev. Stat., **5.** Voters' lists under Parts I and II of *The Voters' Lists Act* shall, during the year 1941, be prepared only where an election is required to elect members of a municipal council for the year 1942, or where the preparation of such lists has been commenced prior to the 1st day of February, 1941.

When meeting to be held for receiving financial statements.

6. For the purpose of receiving the financial statements mentioned in section 258 of *The Municipal Act*, a meeting of the electors shall, during the year 1941, be held on the day fixed for the nomination of candidates for the municipal council in every town, village and township to which subsections 1 to 5 of section 258 of *The Municipal Act* apply and to which section 2 of this Act then applies.

Vote of

7.—(1) The municipal council may, on the polling day for the election of members of such council for the year 1941, submit to a vote of the municipal electors the following question:

Are you in favour as a wartime measure under *The Local Government Extension Act, 1940*, of the municipal council elected for 1941 holding office for the term of two years?

or if a petition signed by at least five per centum or 5,000 of the total number of persons whose names appear on the last certified voters' list for use at municipal elections, requesting the council to submit such question, is filed with the clerk not later than five weeks before such polling day, the council shall submit such question to a vote as aforesaid.

Idem.

(2) Where the mayor is the only member of the municipal council whose term of office is one year the word "mayor" shall be substituted for the words "municipal council" in the question set out in subsection 1.

(3

- (3) If the majority of the municipal electors voting on the Where vote question vote in the negative thereon, sections 2 to 6 of this in negative. Act shall not apply to the municipality in which such vote is taken
- (4) The clerk shall forthwith after such vote certify to Clerk to the Department of Municipal Affairs the number of votes number cast for and against the question.
- 8. In the case of conflict between the provisions of this and Conflict. any other Act, the provisions of this Act shall govern.
- 9. This Act shall come into force on the day upon which Commencement of Act. it receives the Royal Assent.
- 10. This Act may be cited as The Local Government Exten-Short title. sion Act, 1940.



CHAPTER 15.

An Act to amend The Mining Act.

Assented to February 24th, 1940. Session Prorogued February 24th, 1940.

- 1. Section 8 of *The Mining Act* is amended by striking out Rev. Stat. the words "*The Iron Ore Bounty Act*" in the second and third amended. lines so that the said section shall now read as follows:
 - 8. This Act and The Mining Tax Act, The Natural Gas Administra-Conservation Act, The Unwrought Metal Sales Act, tain of certain Act and The Fuel Supply Act Minister of except so far as the last-named Act relates to wood, Rev. Stat., and any regulations made under any of the said Acts oo. 28. 49. shall be administered by the Minister of Mines.
- 2. Section 78 of *The Mining Act* is amended by striking Rev. Stat., out the word "three" where it occurs in the fourth line of 6.47, s.78, subsection 2, in the sixth line of subsection 9 and in the 9,10, fifth line of subsection 10 and inserting in lieu thereof the word "four," so that the said subsections shall now read as follows:
 - (2) The work may be completed in a less period of time Work done than herein specified, and if more work is performed earlier period by or on behalf of the recorded holder than is herein anno flow required during the first four months or in any sub-excess. sequent year, the excess upon proof of the same having been performed shall be credited by the recorder upon the work required to be done during any subsequent year.
 - (9) The survey of a mining claim made in pursuance of Survey to section 103 or 104, on the plan and field notes thereof or the being filed with the Mining Recorder within the prescribed time, shall count as forty days' work on the surveyed claim, except in respect of the work required by subsection 1 to be done within four months immediately following the recording of the claim.

4 Geo. VI.

Survey may be applied as work before plans filed.

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(10) On receipt of an affidavit by an Ontario land surveyor that he has made a survey of a mining claim within the period during which any work is required by this Act to be done on such claim, except in respect of the work required by subsection 1 to be performed within four months immediately following the recording of the claim, and an undertaking of such surveyor that he will forward or cause to be forwarded to the recorder not later than two months after the close of the period for doing the work, plans and field notes of the survey, the recorder may enter upon the record of the claim forty days' work and he may cancel the entry in default of receipt of such plans and field notes within such period of two months.

Rev. Stat., c. 47, s. 95, subs. 2,

3. Subsection 2 of section 95 of The Mining Act is amended by adding at the end thereof the words "and such application shall be accompanied by a certificate of record as provided in subsection 1 of section 62 and a certificate of the complete performance of working conditions as provided in subsection 5 of section 78," so that the said subsection shall now read as follows:

Application for patent.

(2) The application for a patent or lease shall be made to the recorder within one year from the date upon which all work on a mining claim is required to be performed and such application shall be accompanied by a certificate of record as provided in subsection 1 of section 62 and a certificate of the complete performance of working conditions as provided in subsection 5 of section 78.

Short title.

4. This Act may be cited as The Mining Amendment Act, 1940.

CHAPTER 16.

An Act to amend The Mining Tax Act.

Assented to February 24th, 1940. Session Prorogued February 24th, 1940.

- 1. The Mining Tax Act is amended by adding thereto the Rev. Stat., following section:
 - 20a. Any person duly authorized by the Minister in Right to writing may, for the purpose of ascertaining the search man and addresses of owners of land liable to titles office taxation under this Act, search and inspect registry offices and books and indexes in registry offices and books and documents in the custody of masters of titles, and no charge shall be made by and no fee shall be payable to a registrar or master of titles for any such search or inspection.
- 2. This Act shall come into force on the day upon which it Commencereceives the Royal Assent.
- 3. This Act may be cited as The Mining Tax Amendment Short title. Act. 1940.



CHAPTER 17.

The Mortgagors' and Purchasers' Relief Act, 1940.

Assented to February 24th, 1940. Session Prorogued February 24th, 1940.

- 1. Notwithstanding anything contained in section 36 of 1933, o. 35, The Mortgagors' and Purchasers' Relief Act, 1933, The Mortgagors' 1936, ontinued and Purchasers' Relief Act, 1934, The Mortgagors' 1934, o. 33; and Purchasers' Relief Act, 1935, section 3 of The Mortgagors' 1936, o. 38; and Purchasers' Relief Amendment Act, 1936, The Mortgagors' 1937, o. 38; and Purchasers' Relief Amendment Act, 1936, The Mortgagors' 1938, o. 21; and Purchasers' Relief Act, 1937, The Mortgagors' and Pur-1939, o. 29; chasers' Relief Act, 1938, or section 3 of The Mortgagors' and Purchasers' Relief Act, 1939, all the provisions of The Mortgagors' and Purchasers' Relief Act, 1939, all the provisions of The Mortgagors' and Purchasers' Relief Act, 1939, all the provisions of The Mortgagors' and Purchasers' Relief Act, 1939, all the provisions of The Mortgagors' and Purchasers' Relief Act, 1939, all the provisions of The Mortgagors' and Purchasers' Relief Act, 1939, all the provisions of The Mortgagors' and Purchasers' Relief Act, 1939, all the provisions of The Mortgagors' and Purchasers' Relief Act, 1939, all the provisions of The Mortgagors' and Purchasers' Relief Act, 1939, all the provisions of The
- 2. This Act may be cited as The Mortgagors' and Purchasers' Short title. Relief Act, 1940.



1940.

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CHAPTER 18.

The Municipal Amendment Act, 1940.

Assented to February 24th, 1940. Session Prorogued February 24th, 1940.

- 1. Clause k of subsection 1 of section 53 of The Municipal Rev. Stat., Act is amended by striking out the words "at least three days" subs. 1. cl. in the third and fourth lines and inserting in lieu thereof the amended. words "on or", so that the said clause shall now read as follows:
 - (k) a member of a board of education or of a public or separate school board of a city, town or village, or a member of a high school board, unless he has on or before the day of nomination filed his resignation with the secretary of the board.
- 2. Section 102 of The Municipal Act is amended by striking Rev. Stat.. out the words "by the judge and delivered or transmitted to amended." the clerk of the peace" in the second and third lines, so that the said section shall now read as follows:
 - 102. The proper list of voters to be used at an election Proper shall be the first and second parts of the last voters' voters' list shall be the first and second parts of the last voters' voters list list certified under The Voters' Lists Act with the at an election. supplementary list, if any, under section 104 or the Rev. Stat., list provided for by section 105.
- 3. Subsection 1 of section 104 of *The Municipal Act* is Rev. Stat., amended by striking out the words "by the judge" in the subsection 104 of the judge. seventh line, so that the said subsection shall now read as amended. follows:
 - (1) Where a district as defined by section 10 has been voters' lists annexed to an urban municipality, or a town with on formation additional territory erected into a city, or a village poration, etc. with additional territory into a town, or a new town or village is erected, and an election takes place before a voters' list including the names of the persons entitled to vote in such district, territory or

for the new town or village is certified, the clerk of the municipality to which the same was added, and in the case of a new town or village, the returning officer shall prepare from the last certified voters' list of the municipality from which such district, territory, town or village was or became detached, a supplementary list of voters containing the names of and the other particulars relating to the persons who would have been entitled to vote in such district or territory if it had not been so detached.

Rev. Stat., c. 266, s. 105, amended.

4. Section 105 of *The Municipal Act* is amended by striking out the words "by the judge" in the second line, so that the said section shall now read as follows:

Voters' list, when clerk to prepare.

- 105. In a municipality for which there is an assessment roll, but for which there is no voters' list certified, the clerk shall, before the poll is opened, prepare and deliver to the deputy returning officer for every polling subdivision, a list signed by him and attested by his declaration, containing the names, arranged alphabetically, of all persons appearing by the then last revised assessment roll to be entitled to vote in that polling subdivision.
- Rev. Stat., c.266. a. 113. 5.—(1) Subsection 1 of section 113 of *The Municipal Act* subs. 1. is amended by adding thereto the following clause:

Rev. Stat., cc. 289, 290.

- (d) "Bus and transport drivers" shall mean persons who operate public vehicles as defined by The Public Vehicle Act, or private or public commercial vehicles as defined by The Commercial Vehicle Act.
- Rev. Stat., (2) The said section 113 is further amended by adding amended. thereto the following subsection:

Bus and transport drivers. (18) The provisions of this section shall extend and apply mutatis mutandis to bus and transport drivers to the same extent as if such drivers were railway employees.

Rev. Stat., c. 266, s. 207, subs. 4, amended.

6. Subsection 4 of section 207 of *The Municipal Act* as amended by section 13 of *The Municipal Amendment Act*, 1939, is further amended by striking out the words "head of the council" in the first line and inserting in lieu thereof the words "reeve, or in his absence the deputy reeve", so that the said subsection shall now read as follows:

Case of equality of votes.

(4) In case of an equality of votes, the reeve, or in his absence the deputy reeve of the municipality which for the preceding year had the largest equalized assessment, shall have a second or casting vote.

7.

- 7. Section 213 of *The Municipal Act* is repealed and the Rev. Stat... o. 266, s. 213, following substituted therefor:
 - 213.—(1) The head of the council shall preside at all Head of council to meetings of the council.
 - (2) The head of the council may at any time summon a Special special meeting, and upon receipt of the petition of the majority of the members of the council the clerk shall summon a special meeting for the purpose and at the time mentioned in the petition.
- **8.** Section 215 of *The Municipal Act* is amended by inserting Rev. Stat., after the word "vacant" in the second line the words "or if he amended, refuses to act", and by inserting after the word "vacancy" in the third line the words "or refusal to act", so that the said section shall now read as follows:
 - 215. In the absence of the head of the council, or if Presiding officer, in his office is vacant, or if he refuses to act, the council absence, etc., may, from among the members, appoint a presiding officer, who during such absence or vacancy or refusal to act shall have all the powers of the head of the council.
- 9. Subsection 2 of section 253 of *The Municipal Act* is Rev. Stat., amended by striking out the words "receipts, expenditure" c. 266, s. 253, in the second line and inserting in lieu thereof the words amended. "revenues, expenditures", so that the said subsection shall now read as follows:
 - (2) They shall annually prepare in duplicate an abstract Abstract and of the revenues, expenditures, assets, and liabilities revenues of the corporation or commission and a statement in and exduplicate of the same for the next preceding year efforms as the Department may direct, and shall report on all accounts audited by them, and make a special report of any expenditure made contrary to law, and shall transmit by registered post one copy of the abstract and one copy of the statement to the Department, and shall file the other abstract, the other statement, and their reports, in the office of the clerk not later than the 1st day of March.
- 10. Clause b of subsection 15 of section 305 of The Muni-Rev. Stat., cipal Act, as enacted by section 2 of The Municipal Amendment (ci. Bes.), 305, Act, 1939 (No. 2), is repealed and the following substituted 2nd Seess., c. 6, 8, 2), re-enacted.
 - (b) The principal of every debenture that is so redeemable shall become due and payable on the date set for the

redemption thereof, and from and after such date interest shall cease to accrue thereon where provision is duly made for the payment of the amount thereof.

Rev. Stat., c. 266, s. 315a, (1939, 2nd Sess., c. 6, s. 4), amended. Fixed as-

- 11. Section 315a of The Municipal Act, as enacted by section 4 of The Municipal Amendment Act, 1939 (No. 2), is amended by adding thereto the following subsection:
 - (3) The council of a county in levying a rate for any of the purposes set out in section 404a shall add to the amount of the equalized assessment of each local municipality within the county any amounts exempted therefrom by reason of a fixed assessment.

Rev. Stat.,

- 12. Clause a of section 404a of The Municipal Act, as 6. 266, s. 401.a, cl. a, enacted by section 6 of The Municipal Amendment Act, 1939 (No. 2), is amended by striking out the word "and" in the first line and by inserting after the word "towns" in the second line the words "and separated townships," so that the said clause, exclusive of subclauses (i), (ii) and (iii), shall now read as follows:
 - (a) by the councils of counties, cities, separated towns and separated townships, and of local municipalities in unorganized territory,-

Rev. Stat. 13. Section 407 of The Municipal Actis amended by adding c. 266, s. 407, amended. thereto the following paragraph:

vehicles.

- 47a. For prohibiting any person driving or in charge of a motor vehicle, other than a commercial motor vehicle, from allowing such motor vehicle to stand unattended unless it is locked in such a manner as to prevent its operation by any person not authorized by the owner, driver or person in charge.
 - (a) In this paragraph "motor vehicle" and "commercial motor vehicle" shall mean motor vehicle and commercial motor vehicle as defined in The Highway Traffic Act.
 - (b) Any person who contravenes the provisions of such a by-law shall incur a penalty of not less than \$1 nor more than \$10.

14. Section 420 of The Municipal Act is amended by adding thereto the following heading and paragraph:

Refacing Encroachments.

- 18. For permitting existing buildings to encroach upon a Remaing highway to such extent, not exceeding two inches, ments on as may be necessary to provide for refacing any such building.
- **15.** Paragraph 1 of section 435 of *The Municipal Act*, Rev. Stat., exclusive of clause *a*, is repealed and the following sub-par. 1, restituted therefor:
 - 1. For regulating and governing the business of dry Licensing, cleaning, dry dyeing, cleaning and pressing and cleaners, etc., dry spotting or stain removing; for licensing any person using any land in the municipality for the purposes of any such business including land used for the purpose of receiving articles or goods to be subjected to any such process and for the distribution of articles or goods which have been subjected to any such process; for authorizing the architect or other person named in the by-law to allow such variation from the standard requirements in the case of any existing business as he may approve; for establishing a maximum and minimum tariff of charges to be made by any person engaging in any such business and for revoking any such license.
- **16**. The Municipal Act is amended by adding thereto the Rev. Stat., 6.266, amended. amended.
 - 532a. Any trustee may, subject to the approval of the Remunera-Department, be paid such annual or other remuneration as the trustees may determine.
- 17. This Act may be cited as The Municipal Amendment Short title. Act. 1940.



CHAPTER 19.

An Act for Raising Money on the Credit of the Consolidated Revenue Fund.

Assented to February 24th, 1940. Session Prorogued February 24th, 1940.

- 1. The Lieutenant-Governor in Council is hereby authorized Loan of \$20,000,000 to raise from time to time by way of loan such sum or sums of authorized. money as may be deemed expedient for any or all of the following purposes, that is to say: For the public service, for works carried on by commissioners on behalf of Ontario, for the covering of any debt of Ontario on open account, for paying any floating indebtedness of Ontario, and for the carrying on of the public works authorized by the Legislature; Provided that the principal amount of any securities issued and the amount of any temporary loans raised under the authority of this Act, including any securities issued for the retirement of the said securities or temporary loans, at any time outstanding, shall not exceed in the whole Twenty Million Dollars (\$20,000,000).
- 2. The aforesaid sum of money may be borrowed for any Terms to be term or terms not exceeding forty years, at such rate as may Lieutenantbe fixed by the Lieutenant-Governor in Council and shall be Governor. raised upon the credit of the Consolidated Revenue Fund of Ontario, and shall be chargeable thereupon.
- 3. The Lieutenant-Governor in Council may provide for a Sinking special sinking fund with respect to the issue herein authorized, and such sinking fund may be at a greater rate than the onehalf of one per centum per annum specified in subsection 3 Rev. Stat., c. 22. of section 3 of The Provincial Loans Act.

- 4. This Act shall come into force on the day upon which it Commencement of Act receives the Royal Assent.
 - 5. This Act may be cited as The Ontario Loan Act, 1940.



CHAPTER 20.

An Act to amend The Ontario Municipal Board Act.

Assented to February 24th, 1940. Session Prorogued February 24th, 1940.

- 1. Section 59 of *The Ontario Municipal Board Act* is Rev. Stat., amended by adding thereto the following clause:

 o. 60, s. 59 amended, amended.
 - (ii) hear and determine the application of any munici-Supply of pality to confirm, vary or fix the rates charged or to be charged in connection with water supplied thereto by any other municipality.
- 2. Subsection 2 of section 64 of The Ontario Municipal Rev. 66, 8, 64, 80 bs. 2, especial d.
- 3. Subsection 1 of section 67 of *The Ontario Municipal* Rev. sat., *Board Act* is repealed and the following substituted therefor: \$\frac{8108}{600} \text{Libs} \text{1}, \text{re-enceded} \text{case}\$.
 - (1) Notwithstanding the provisions of any Act, every validity by-law of a municipality approved by the Board of certified and every debenture issued thereunder bearing the seal and certificate of the Board shall for all purposes be valid and binding upon the corporation of such municipality and the ratepayers thereof and upon the property liable for any rate imposed under the by-law, and the validity of the by-law and every such debenture shall not be contested or questioned in any manner.
- **4.** Subsection 3 of section 70 of *The Ontario Municipal* Rev. Stat. Board Act is repealed and the following substituted therefor:

 Subs. 3. re-enacted.
 - (3) Notwithstanding the provisions of section 1, the Interpretation of "municipality" in this section and in section 71 "municipality" in this section and in section 71 "municipality" in shall include a public school board in an unorganized sality" in township or in unsurveyed territory, and shall include 71. only a local board that may apply to the council that moneys necessary for any purpose mentioned in

this section be provided by the issue of debentures of the corporation of the municipality.

Rev. Stat., c. 60, s. 82, repealed.

5. Section 82 of The Ontario Municipal Board Act is repealed.

Short title.

6. This Act may be cited as The Ontario Municipal Board Amendment Act, 1940.

CHAPTER 21.

An Act to amend The Provincial Land Tax Act.

Assented to February 24th, 1940. Session Prorogued February 24th, 1940.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. Section 4 of *The Provincial Land Tax Act* is amended Rev. Stat., by adding at the end thereof the words "and providing for amended the return to any person of any money paid by such person as tax, interest or penalty in respect of land exempted from taxation under this Act or the regulations," so that the said section shall now read as follows:
 - 4. The Lieutenant-Governor in Council may make regu-Regulations lations describing and determining the persons who ton from and land which shall be exempt from the said tax tax under the provisions of section 3 and providing for the return to any person of any money paid by such person as tax, interest or penalty in respect of land exempted from taxation under this Act or the regulations.
- 2. Section 7 of *The Provincial Land Tax Act* is amended by Rev. Stat., adding thereto the following subsection:
 - (5) Where the owner of any land claims that it has become Return as exempt from taxation under this Act, he shall trans-exempt. mit the statement required by subsection 1 or subsection 2 to the Collector and shall state on such return that he claims that the land is exempt and give his reasons therefor and in default of transmitting such statement the owner shall be liable for the taxes, subject however to any determination which the Minister may make if a return is subsequently filed.
- 3. Section 11 of *The Provincial Land Tax Act* is repealed $^{\mathrm{Rev. Stat.}}_{0.20.8,11}$, and the following substituted therefor:
 - 11.—(1) Subject to the provisions of section 3, where the Assessed return of an owner has been accepted by the Col-land.

lector

lector the value of his land or of his interest therein as shown in such return shall be the assessed value thereof until a subsequent return is made by the owner as required by section 7.

Disputed value of land.

(2) If the value of land shown in the return of an owner is not accepted, notice of dispute shall be sent by the Collector by prepaid registered post to the owner at his last known address within ninety days of the receipt of such return, and the Collector shall state in such notice the value at which he assesses such land for the purpose of taxation under this Act and unless a complaint is filed by the owner as provided in this section such assessed value shall be the assessed value of the land until the next ensuing triennial assessment.

Value of land under s. 7, subs. 2. (3) Where a return is filed under the provisions of subsection 2 of section 7 and the value of the land shown therein is disputed by the Collector, the Collector shall value such land in accordance with the provisions of section 9 and such value shall be the assessed value thereof until the next ensuing return is made by the owner for the purposes of a triennial assessment.

Altering assessments.

(4) Where there has been a rapid depreciation in the value of land and the improvements thereon by reason of damage or destruction or where an incorrect return has been made, the Collector may alter the assessment of an owner at any time to the reasonable value of his land and improvements.

Improvements made after assessment, (5) Where an owner whose land is subject to taxation under this Act makes improvements thereon he shall during the same calendar year notify the Collector of the value thereof and his assessment shall be altered to include the value of such improvements which shall be subject to taxation in the next ensuing year.

Complaints.

(6) Every owner who has filed a return as required by section 7 who desires to complain as to his assessment shall, on or before the 1st day of May in the year fixed for a triennial assessment, send to the Collector by prepaid registered post a notice of complaint in the prescribed form.

Correction of errors.

(7) Notwithstanding the sending of any notice provided for in this section, the Collector, at any time before the date for the hearing of any complaint has been

fixed,

fixed, may correct any errors in or otherwise alter any assessment, and he shall do so upon notice being given to him of any errors and upon so correcting or altering any assessment he shall send by prepaid registered post to the person assessed particulars of the correction or alteration.

- **4.** Section 17 of *The Provincial Land Tax Act* is repealed Rev. Stat., and the following substituted therefor:
 - 17.—(1) The annual tax imposed by this Act shall be for Tax bills. the calendar year and a tax bill shall be mailed by the Collector post paid to every owner of land subject to taxation at his last known address on or before the 1st day of December in the year preceding that for which the tax is payable, and such tax bill shall show the assessed value of the land, the rate of taxation, the amount of the tax payable and such other information as may be prescribed.
 - (2) The annual tax imposed by this Act shall become due when tax and be payable on the 1st day of February in the is payable. year for which it is imposed.
- 5. Section 18 of *The Provincial Land Tax Act* is repealed Rev. Stat., and the following substituted therefor:
 - 18. Where any tax under this Act remains unpaid on the Penalty and 1st day of March in the year for which it is payable unpaid taxes. a penalty of five per centum shall be added thereto and in addition such tax shall bear interest at the rate of ten per centum per annum from such 1st day of March until paid.
- **6.** Section 19 of *The Provincial Land Tax Act* is repealed Rev. Stat., and the following substituted therefor:
 - 19.—(1) Every tax and penalty imposed by this Act Taxes and shall be a special lien on the land upon or in respect be lien on which such tax or penalty is imposed in priority to every claim, privilege, lien or incumbrance, heretofore or hereafter created, of every person, and the lien and its priority shall not be lost or impaired by any neglect, omission or error of the Minister or the Collector or of any other officer, clerk or servant appointed or assigned to any work in the course of the administration of this Act or by want of registration.
 - (2) The owner or any person entered on the records of Owner liable the Collector as the owner of any land shall be and penal-personally liable for all taxes and penalties imposed

by this Act in respect of such land, and the Collector may bring an action in his name of office for the recovery thereof in any court in which a debt or money demand of a similar amount may be collected.

Rev. Stat., c. 30, s. 21, re-enacted. **7.** Section 21 of *The Provincial Land Tax Act* is repealed and the following substituted therefor:

Forfeiture for nonpayment. 21.-(1) Where taxes imposed on land or any interest therein under this Act remain unpaid for a period of two years, the Minister or the Deputy Minister of Lands and Forests by a certificate in writing, may declare the lands or the interest therein of the owner or of any person claiming title or an interest therein through such owner forfeited to the Crown and upon publication of such certificate or of a notice of forfeiture in the Ontario Gazette, all right, title, interest, claim or demand of the owner or of any person claiming through him in or to the lands shall cease and determine and the lands or the interest of the owner or of any person claiming through him shall be vested in His Majesty for the use of the Province of Ontario free and clear of all mortgages, liens, encumbrances, charges, rates and taxes and after the expiration of one year from the date of such publication the said lands may be regranted, sold, leased or otherwise disposed of in the same manner as public lands may be dealt with under the laws of Ontario.

Forfeiture to be annulled on payment of taxes within one year. (2) Where an owner or his representative within one year from the date of such publication pays or tenders to the Minister or the Deputy Minister of Lands and Forests the amount of all taxes due with respect to any land so declared forfeited together with any penalties and interest and costs payable in respect thereof in accordance with this Act and the regulations, the Minister or Deputy Minister of Lands and Forests shall issue a certificate in writing signed by him and under the seal of the Department of Lands and Forests declaring such forfeiture cancelled, and upon the registration of such certificate in the proper registry or land titles office such forfeiture shall be annulled and the land shall be revested in such owner or his representative according to the tenor of such certificate.

Lands forfeited in error. (3) Where lands have been forfeited in error the Minister or the Deputy Minister of Lands and Forests may at any time relieve from forfeiture by issuing a certificate.

- (4) Notwithstanding the expiration of the period of Relief where redemption allowed by subsection 2, the Minister redemption or the Deputy Minister of Lands and Forests may relieve from forfeiture upon such terms as may be deemed advisable and issue a certificate to that effect if the Crown has made no disposition of the forfeited lands.
- **8.** Section 26 of *The Provincial Land Tax Act* is repealed Rev. Stat., and the following substituted therefor:
 - 26.—(1) A tax bill shall be deemed to be delivered to Delivery of an owner of land subject to assessment and taxation under this Act or to his agent or representative where it is mailed post paid to the last known address of such owner, agent or representative.
 - (2) Any notice of complaint or dispute as to valuation Delivery of of land or any other notice required by or given notices, under the provisions of this Act may be given by sending it by prepaid registered mail to the Collector, or to the last known address of the owner of the land or of any person interested in the land, as the case may be, and such notice shall be deemed to have been received when it was so mailed.
- 9. The Provincial Land Tax Act is amended by adding Rev. Stat., thereto the following section:
 - The penalties imposed by sections 23 and 24 shall Recovery of be recoverable in the manner provided by The Rev. Stat., Summary Convictions Act.
- 10. This Act may be cited as The Provincial Land Tax Short title. Amendment Act, 1940.



CHAPTER 22.

An Act to amend The Public Health Act.

Assented to February 24th, 1940. Session Prorogued February 24th, 1940.

- 1. Clause j of section 1 of The Public Health Act is amended Rev. Stat., by inserting after the word "municipality" in the second line 61, 293, 8.1, the words "or of a health unit," so that the said clause shall amended now read as follows:
 - (j) "Medical officer of health" shall mean the medical "Medical officer of health of the municipality or of a health health." unit, appointed under this Act, or in unorganized territory a medical officer of health appointed by the Department for a specified area.
- 2. Section 5 of The Public Health Act as amended by Rev. Stat., section 3 of The Public Health Amendment Act, 1938, and amended. section 1 of The Public Health Amendment Act, 1939, is further amended by adding thereto the following clauses:
 - (ze) defining, regulating and licensing summer camps and summer summer resorts, but not including premises commonly summer known as tourist camps, boarding houses or lodging resorts. houses;
 - (zf) licensing, regulating and controlling diagnostic and Diagnostic public health laboratories.
- 3. Section 34 of *The Public Health Act* as amended by Rev. Stat... section 4 of *The Public Health Amendment Act*, 1938, is further amended. amended by adding thereto the following subsection:
 - (7) Any person who under the provisions of this Act is Public appointed as a public health nurse shall be subject to nurses. the direction and control of the medical officer of health for the municipality for which such nurse is appointed.

Rev. Stat., c. 299, s. 42, subs. 2, amended. **4.** Subsection 2 of section 42 of *The Public Health Act* as amended by section 6 of *The Public Health Amendment Act*, 1938, is further amended by adding at the end thereof the words "and such appointment shall be subject to the approval of the Department," so that the said subsection shall now read as follows:

Temporary absence of M.O.H. (2) When the medical officer of health is ill or absent from the municipality for a protracted period, the council shall appoint a legally qualified medical practitioner to be acting medical officer of health during such illness or absence, and such acting medical officer of health shall have, during the illness or absence of the medical officer of health, all the powers, and perform all the duties of the medical officer of health, and such appointment shall be subject to the approval of the Department.

Rev. Stat., c. 299, s. 91, subs. 1, amended.

5. Subsection 1 of section 91 of *The Public Health Act* is amended by inserting after the word "section" in the first line the words, figures and letter "and section 91a," so that the said subsection shall now read as follows:

"School board," meaning of. (1) For the purposes of this section and section 91a "school board" shall mean and include any board having under the authority of statute, charge over a public, separate, continuation, high or vocational school.

Rev. Stat., c. 299, amended.

 6. The Public Health Act is amended by adding thereto the following section:

Public health nurses. 91a.—(1) Any school board may enter into an agreement with any county to provide for the employment by and at the expense of the county, of public health nurses in the schools under the control of such school board.

Medical officer to direct.

(2) Where an agreement is entered into pursuant to this section, the medical officer of health having jurisdiction in the place where the schools are located shall direct and control the activities of the public health nurses so employed.

Rev. Stat., c. 299, s. 122a (1938, c. 30, s. 10) amended. 7. Section 122a of The Public Health Act as enacted by section 10 of The Public Health Amendment Act, 1938, is amended by inserting after the word "regulations" in the first line the word "upon" and by inserting after the word "water" in the fourth line the words "or any upholstered or stuffed articles including mattresses, quilts, covers, pillows and other

bedding, furniture and dolls," so that the said section shall now read as follows:

- 122a. In any prosecution under this Act or the regulations, Cartifloate upon production of a certificate or report signed or denoe of purporting to be signed by a provincial analyst as to the analysis or ingredients of any milk or water, or any upholstered or stuffed articles including mattresses, quilts, covers, pillows and other bedding, furniture and dolls, such certificate or report shall be prima facie evidence of the facts stated therein and of the authority of the person giving or making the certificate and report without any proof of appointment or signature.
- 8. This Act may be cited as The Public Health Amendment Short title. ment Act, 1940.



CHAPTER 23.

An Act to amend The Public Hospitals Act.

Assented to February 24th, 1940. Session Prorogued February 24th, 1940.

- 1. Section 15 of *The Public Hospitals Act* is amended by Rer, Stat., striking out the words "for the charges for whose treatment a smended." municipality may be liable under this Act," so that the said section shall now read as follows:
 - 15. No hospital for incurables shall admit as a patient Admission an indigent person or the dependant of an indigent persons, person until such person or dependant is certified in accordance with the regulations to be an incurable person.
- **2.** Section 23 of *The Public Hospitals Act*, as amended Rev. Stat., by subsection 2 of section 20 of *The Statute Law Amendment* ^{6, 390, 8, 23, Act, 1938, is further amended by adding thereto the following clause:}
 - (e) if such patient has been living in the municipality Members of by reason of being engaged on active service as a naval or member of the military, naval or air force of Canada, air force. but in such cases the patient shall for the purposes of this Act be deemed to be a resident in that municipality in which he was a resident at the time of enlistment for such service.
- 3. Section 24 of *The Public Hospitals Act* is amended by Rev. Stat., adding thereto the following subsections:
 - (1a) The clerk of a county shall have authority to require Particulars as the clerk of any local municipality within the county residence or to furnish such particulars as may be ascertainable in respect of the residence or indigence of any person whose case has been brought to the attention of the clerk of the county under section 20.
 - (1b) The clerk of a local municipality shall within ten Particulars days of receiving a notice sent to him pursuant to to county subsection 1a, send the particulars requested to the clerk of the county by registered letter.

Liability of local municipality. (1c) Upon the failure of the clerk of a local municipality to comply with the provisions of subsection 1b, such local municipality shall be liable to the county for the charges for treatment of the patient in respect of whom the information is requested, as provided for in this Act.

Rev. Stat., c. 390, s. 25 amended. 4.—(1) Section 25 of *The Public Hospitals Act* is amended by adding at the end thereof the words "but where such indigent person is not a resident in any municipality such dependant shall be deemed to be a resident in that municipality in which such dependant is resident," so that subsection 1 of the said section shall now read as follows:

Residence o

(1) A dependant of an indigent person shall for the purpose of this Act be deemed to be a resident in that municipality in which such indigent person is resident, but where such indigent person is not a resident in any municipality such dependant shall be deemed to be a resident in that municipality in which such dependant is resident.

Rev. Stat. (2) The said section 25 is further amended by adding amended. thereto the following subsection:

Dependant of member of military, naval or air force. (2) A dependant of a person who is engaged on active service as a member of the military, naval or air force of Canada shall be deemed to be a resident in that municipality in which such dependant is resident

Rev. Stat., c. 390, amended. 5. The Public Hospitals Act is amended by adding thereto the following section:

Hospita officer, – appointment of 40.—(1) The council of a municipality either alone or in conjunction with the council or councils of another municipality or other municipalities may by by-law appoint a duly qualified medical practitioner to be the hospital officer for such municipality, and such by-law may provide for the term and conditions of his appointment and the payment of remuneration.

Authority of hospital officer. (2) A hospital officer so appointed shall have authority to visit any hospital and to secure from the superintendent information relating to any indigent patient in the hospital who is a resident of any municipality for which the hospital officer is appointed.

l'owers re indigent patients. (3) A hospital officer may exercise the powers conferred in subsection 2 in respect of indigent patients from municipalities other than the municipality for which

- such hospital officer is appointed, but only at the request of the hospital officer for the municipality in which such patient is resident.
- (4) If any hospital officer is of the opinion that it is Report re unnecessary for any indigent patient to remain in patients. the hospital, the hospital officer shall make a report of his findings and recommendations to the superintendent of the hospital and to the Department.
- (5) No municipality shall enact a by-law under this Enactment section until thirty days after notice of intention thereof has been given to the Department.
- (6) In this section "municipality" shall mean county, "Municipality," city, town, village and township.
- 6. This Act may be cited as The Public Hospitals Amend-Short title. ment Act, 1940.



CHAPTER 24.

The School Law Amendment Act, 1940.

Assented to February 24th, 1940. Session Prorogued February 24th, 1940.

- 1.—(1) Subsection 6a of section 3 of The Continuation Rev. Stat., Schools Act as enacted by subsection 1 of section 3 of The Subs. 6s. 3, School Law Amendment Act, 1939, is amended by striking out (1939, the words "amount paid for salaries of continuation school subs. 1), teachers amounts to less than eight" in the tenth and eleventh amended. lines and inserting in lieu thereof the words "local levy for the next preceding calendar year for maintenance and annual payment on debentures for the continuation school amounts to less than five," so that the said subsection shall now read as follows:
 - (6a) For the purposes of subsections 1 and 2 of section when con112 of The Public Schools Act a grade A or grade B school to
 continuation school shall be deemed to be a public bedeemed
 school, but in no case shall the township council or school
 councils be required to levy a rate thereunder for Rev. Stat.,
 grants towards the salaries of more than one principal
 and two assistant teachers in any such school, nor
 shall any such grant be paid to any grade A or
 grade B continuation school in a continuation school
 section in which the local levy for the next preceding
 calendar year for maintenance and annual payment
 on debentures for the continuation school amounts
 to less than five mills on the tax rate.
- (2) The said section 3 is further amended by adding thereto Rev. Stat., c. 359, s. 3, amended.
 - (6b) The township grant payable under the provisions Township of subsection 6a shall be fifty per centum of the amount specified in subsections 1 and 2 of section 112 of The Public Schools Act where the local levy referred to in subsection 6a is five mills or more but less than eight mills; seventy-five per centum of such amount where the local levy is eight mills or

more but less than twelve mills, and one hundred per centum of such amount where the local levy is twelve mills or more.

Commence-

(3) The amendments made by subsections 1 and 2 shall be deemed to have been in force from the 1st day of January, 1940.

Rev. Stat., c. 360, s. 6, subs. 1, amended.

2.-(1) Subsection 1 of section 6 of The High Schools Act is amended by striking out the letter "a" in parenthesis and clauses b, c and d, so that the said subsection shall now read as follows:

(1) On or before the 1st day of July in any year the council of a county subject to the approval of the Minister first being obtained, may pass by-laws for the establishment of a new high school district for a municipality or municipalities or for part of a municipality or municipalities not separated from the county and the council of any county may in like manner, with the approval of the Lieutenant-Governor in Council discontinue at the end of the current calendar year any high school district already established.

Rev. Stat., c. 360, s. 6, subs. 3,

(3) Subsection 3 of section 44 of The High Schools Act as Rev. Stat. (3) Subsection 3 of section 44 of 1ne High Schools Art as c. 360. 8. 44, enacted by subsection 2 of section 23 of The School Law subs. 3 s. 45, enacted by subsection 2 of section 23 of The School Law (1988, c. 35, Amendment Act, 1938, is repealed and the following substituted therefor:

(2) Subsection 3 of the said section 6 is repealed.

(3) Notwithstanding any other provisions of this Act or of any by-law, but subject to any settlement or agreement approved by the Minister, the council of a county shall, in addition to any such sums which it is required or permitted to pay under this Act, pay to the high and continuation school boards and municipal councils the percentage payable by the county of all amounts in respect of resident pupils and county pupils incurred or provided for maintenance and permanent improvements including the sums required for meeting all payments which were due prior to the 1st day of January, 1937, for principal and interest upon any debentures issued, upon presentation of claims therefor by such boards or councils, and the percentage payable by the county as well as the manner of levying and collecting the sums payable shall be in accordance with the Statutes in force at the time such sums were incurred or provided.

- (4) The amendment made by subsection 3 shall be deemed commence to have been in force since the 1st day of January, 1937.
- 3. Subsection 1 of section 33 of *The Public Libraries Act* is Rev. Stat., amended by striking out all the words after the word "proper" subs. 1, in the fifth line, so that the said subsection shall now read amended. as follows:
 - (1) The board of any public library established under Gratulties to this Part may, subject to approval of the municipal employees council, pay to any employee retiring by reason of ment. advanced age, ill-health or other disability such gratuity or retiring allowance as the board may think proper.
- 4.—(1) Subsection 1a of section 15 of The Public Schools Rev. Stat., Act, as enacted by subsection 1 of section 16 of The School and School section subschool section subschool is in the portion of the union lying within the township and in the third, fourth and fifth lines, and by striking out the word "also" in the fifth line, so that the said subsection shall now read as follows:
 - (1a) The council of a township shall have the power to Include a include a union school section within a township school school area providing the council of each township school containing any remaining portion of the union school section passes a resolution giving its assent; and area. where the union school section is so included in the township school area all parts of the union shall be regarded as a part of the township for all public school purposes.
- (2) Subsection 7 of the said section 15 is amended by in-Rev. Stat., serting after the word "votes" in the second line the words \$0.357, \$s. 15, "or all the trustees are declared elected by acclamation," so amended. that the said subsection shall now read as follows:
 - (7) In case, at the first election of trustees, two or more Equality of trustees receive an equal number of votes, or all the votes or trustees are declared elected by acclamation, the attention of clerk of the municipality shall determine which of such trustees shall hold office for two years, and his determination shall be notified to the board in writing and shall be entered on the minutes of the board.
- 5. The Public Schools Act is amended by adding thereto Rev. Stat., c. \$507, amended.
 - 15a.—(1) An inspector may, with the approval of the Township Minister, form an unorganized township, or part of in unorganized territory.

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an unorganized township, or parts of two or more adjoining unorganized townships into a township school area on or before the 1st day of July in any year, provided the boards of all the rural school sections in such area have consented thereto.

Effective

(2) The formation of the township school area shall take effect as from the 25th day of December next following the approval of the Minister, but the boards of trustees of the rural school sections shall continue in office until a board for the township school area has been elected and organized as provided by this section.

Constitution of board.

(3) There shall be a board of five public school trustees for every such township school area and the board may exercise such powers and perform such duties with respect to the public schools of the area as a board constituted under section 15.

First election (4) The first meeting of the ratepayers for the election of trustees shall be held at a time and place to be named by the inspector, and shall be conducted as nearly as may be in the same manner as the election of trustees in a rural school section.

Subsequent elections; powers and (5) All subsequent elections of school trustees for the township school area shall be by ballot, and the board of trustees of the area shall exercise all the powers and may perform all duties of a municipal council in relation to the nomination and election of trustees and the assessment and collection of taxes for the township school area.

Incorpora

(6) Every board of trustees of a township school area formed under this section shall be a corporation by the name of "The board of school trustees of the Township School Area of the unorganized township (or townships) of"

Adjustment and determination of rights and claims. 16a.—(1) For the purpose of evaluating, adjusting and determining all rights and claims between school sections within a township school area formed under section 15a, section 16 shall apply, provided that the powers and duties conferred and imposed upon the Ontario Municipal Board by section 16 shall, in the case of such areas, be exercised and performed by the Minister.

Application of certain sections.

(2) For the purposes of township school areas formed under section 15a and except as to matters provided for in sections 15a and 16a, the provisions of sections

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1.

15 and 16, 42 to 47 and 67 to 69 shall apply mutatis mutandis.

- **6.**—(1) Subsection 1 of section 46 of *The Separate Schools* Rev. Statt.. Act is amended by inserting after the word "trustee" in the subs. 1, first line the words "for a rural school," so that the said sub-amended. section shall now read as follows:
 - (1) If a vacancy in the office of trustee for a rural school Vacancy in occurs from any cause the remaining trustees shall trustee. forthwith take steps to hold a new election to fill the vacancy, and the person thereupon elected shall hold his seat for the residue of the term for which his predecessor held office.
- (2) Subsection 2 of the said section 46 is amended by Rev. Stat., striking out all the words after the word "election" in the "nie2, s. 46, second line, so that the said subsection shall now read as amended, follows:
 - (2) The new election shall be conducted in the same Proceedings manner and be subject to the same provisions as an at new annual election.
- 7. Subsection 1 of section 6 of *The School Sites Act* is Rev. Stat., amended by striking out the words "of education" in the c. 370 s. 6. first line, the words "or any advisory committee appointed amended. by the board under *The Vocational Education Act*" in the second and third lines, and the words "or such advisory committee" in the fifth and tenth lines respectively, so that the said subsection shall now read as follows:
 - (1) The board of a city having a population of 50,000 or Acquiring over may acquire by purchase or otherwise any land city for in an adjacent municipality which the board deems school sites. it desirable to acquire, in view of the probable further extension of the limits of the city, so as to include such land, but no land shall be acquired under this section at a greater distance than one mile from the limits of the city, and all land so acquired, so long as it is held by the board, shall be subject to municipal assessment and taxation in the municipality in which it is situate.
- 8. This Act may be cited as The School Law Amendment short title. Act, 1940.



CHAPTER 25.

An Act to amend The Securities Act.

Assented to February 24th, 1940. Session Prorogued February 24th, 1940.

- 1. Section 8 of *The Securities Act* is amended by adding Rev. Stat., thereto the following clauses:
 - (p) securities of a prospecting syndicate the purpose and Securities of capital of which are in conformity with clauses a syndicate. and b of subsection 1 of section 13a, provided that the syndicate agreement has been filed under the said subsection;
 - (q) shares of a credit union within the meaning of The Shares of credit union Credit Unions Act, 1940.
- 2. The Securities Act is amended by adding thereto the Rev. Stat., following section:
 - 13a.—(1) Upon the filing of a prospecting syndicate Agreement, agreement with the Provincial Secretary or a mining recorder the liability of the members of the syndicate or parties to the agreement shall be limited to the extent provided by the terms of such agreement, provided that,—
 - (a) the sole purpose of the syndicate is the financing of prospecting expeditions or preliminary mining development, or both; and
 - (b) the agreement limits the capital of the syndicate to a sum not exceeding \$10,000.
 - (2) The Provincial Secretary or any mining recorder duty as to shall receive any agreement tendered for filing under receiving. this section and shall not be required to determine whether it is in conformity with clauses a and b of subsection 1, and every mining recorder shall without delay send every such agreement filed with him to the Provincial Secretary by prepaid mail.

(3) Where a prospecting syndicate agreement is filed Rev. Stat., c. 189, not to apply. under subsection 1 the requirements of The Partnership Registration Act as to filing shall not apply thereto.

(4) The Provincial Secretary may alter the name of any prospecting syndicate.

3. This Act may be cited as The Securities Amendment Short title. Act. 1940.

CHAPTER 26

An Act to amend The Solicitors Act.

Assented to February 24th, 1940. Session Prorogued February 24th, 1940.

- 1.—(1) Section 6 of *The Solicitors Act* is amended by Rev. Stat., inserting after the word "be" in the seventh line the words amended "or practise or for gain or reward act as," so that subsection 1 of the said section shall now read as follows:
 - (1) Unless admitted and enrolled and duly qualified to solicitors act as a solicitor, no person shall act as a solicitor must be in any court of civil or criminal jurisdiction or before and enrolled any justice of the peace, or shall as such sue out any writ or process, or commence, carry on or defend any action or proceeding in the name of any other person, or in his own name, or hold himself out as or represent himself to be or practise or for gain or reward act as a solicitor.
- (2) The said section 6 is further amended by adding thereto Rev. Stat., the following subsections:
 - (2) Every person who violates the provisions of sub-Penalty. section 1 shall be guilty of an offence and liable to a penalty of not more than \$100 for a first offence nor more than \$200 for a second or subsequent offence.
 - (3) The penalties imposed by this section may be re-Recovery of covered in the manner provided by The Summary Rev. Stat., Convictions Act, or upon application by the Society 6, 1366, to a judge of the Supreme Court by an originating notice.
 - (4) Where proceedings are taken by an originating notice Place of under this section, the matter shall be heard in the ^{trial}. county or district in which the person against whom the proceedings are taken resides.
 - (5) Where proceedings by originating notice are taken Proceedings under subsection 3, the rules of practice of the by originat-

Supreme Court shall apply provided that the judge upon finding that any person has violated the provisions of subsection 1 may in addition to ordering payment of the penalties, make an order enjoining him from practising as a solicitor, and any order made under this section may be enforced in the same manner as any other order or judgment of the Supreme Court and may be varied or discharged upon an application made by originating notice.

Penalties payable to (6) The penalties recovered under this section shall be paid to the Treasurer of Ontario.

Short title.

2. This Act may be cited as The Solicitors Amendment Act, 1940.

CHAPTER 27.

An Act to permit the Exportation of Spruce Pulpwood.

Assented to February 24th, 1940. Session Prorogued February 24th, 1940.

- 1. Where lands have been granted pursuant to any special of export. Act as a subsidy to any railway or other company stop in in connection with the establishment of its undertaking in Acts and the Province of Ontario and by such Act the exportation from decisions and acts of spruce pulpwood cut from such lands in an unmanufactured condition is prohibited, the Lieutenant-Governor in Council on the recommendation of the Minister of Lands and Forests may, notwithstanding anything contained in any such Act or in any patents from the Crown of lands granted pursuant thereto, suspend the operation of any such prohibition and may permit the exportation of spruce pulpwood cut from such lands in an unmanufactured condition for such period and upon such terms and conditions as to him may seem proper.
- 2. The Lieutenant-Governor in Council may make such Regulations. regulations as he may deem necessary for carrying out the provisions of this Act and for the efficient administration thereof.
- 3. This Act may be cited as The Spruce Pulpwood Exporta-short title. tion Act. 1940.



CHAPTER 28.

The Statute Law Amendment Act, 1940.

Assented to February 24th, 1940. Session Prorogued February 24th, 1940.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. Subsection 2 of section 2 of *The Administration of* Rev. Stat., *Justice Expenses Act* is amended by striking out the words subs. 2. "in the tariff of fees in the said Schedule A" in the second and amended. third lines and inserting in lieu thereof the words "and Forms in the Schedules to this Act," and by inserting after the word "items" in the third line the words "and Forms," so that the said subsection shall now read as follows:
 - (2) The Lieutenant-Governor in Council may from time Alterations to time amend or repeal any of the items and Forms in items and in the Schedules to this Act, or add thereto, and all Schedules. items and Forms so amended, repealed or added shall have the same force and effect as if they had been so enacted by the Legislature.
- 2. Subsection 2 of section 1 of *The Beach Protection Act* Rev. Stat., c. 333, s. 1, subs. 2, re-enucted.
 - (2) The Minister of Mines, upon the approval of the License,— Lieutenant-Governor in Council, may issue licenses issue of, in accordance with the provisions of the regulations etc. to this Act and may revoke any license which has been issued.
- 3.—(1) The Bed of Navigable Waters Act is amended by re-Rev. Stat., numbering the present section 1 as section 1a and by adding amended. thereto the following section:

1. In this Act,-

Interpreta-

- (a) "bed" used in relation to a navigable body "bed"; of water shall include all land and land under water lying below the high water mark; and
- (b) "high water mark" shall mean the level at "high water which the water in a navigable body of water mark."

has been held for a period sufficient to leave a watermark along the bank of such navigable body of water.

Rev. Stat., c. 44, s. 1a, amended. (2) Section 1a of *The Bed of Navigable Waters Act*, as renumbered by subsection 1 of this section, is amended by adding thereto the following subsections:

Where boundary body of navigable water. (2) Where in any patent, conveyance or deed from the Crown made either heretofore or hereafter, the boundary of any land is described as a navigable body of water or the edge, bank, beach, shore, shoreline or high water mark thereof or in any other manner with relation thereto, such boundary shall be deemed always to have been the high water mark of such navigable body of water.

Minister may fix high water mark. (3) The Minister of Lands and Forests may, upon the recommendation of the Surveyor-General for Ontario, fix the high water mark of any navigable body of water or any part thereof, and his decision shall be final and conclusive.

Rev. Stat., c. 44, s. 2, amended. (3) Section 2 of *The Bed of Navigable Waters Act* is amended by striking out the word and figure "Section 1" in the first line and inserting in lieu thereof the word, figure and letter "Section 1a."

Rev. Stat., c. 95, s. 3, subs. 4, amended. 4. Subsection 4 of section 3 of *The Burlington Beach Act* is amended by adding at the end thereof the words "provided that the commission may, without such consent, dispose of by sale, lease or otherwise any property purchased by the commission at a tax sale," so that the said subsection shall now read as follows:

Collection of revenues from property and sale, etc., of such property. (4) With respect to property now or hereafter vested in the commission or which it may manage or control, it may demand, collect and recover from any person having the occupation or use thereof any money due for rent or otherwise and with the approval of the Lieutenant-Governor in Council may dispose of, by sale, lease or otherwise, any such property, provided that the commission may, without such consent, dispose of by sale, lease or otherwise any property purchased by the commission at a tax sale.

Proviso.

1938, c. 4, s. 6, subs. 2, Act, 1938, is amended by adding at the end thereof the words "except to a person authorized by the Commission to investigate such substance," so that the said subsection shall now read as follows:

(2)

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- (2) The Commission shall not divulge any information Information relating to the composition or formula of any sub-not be divulged. stance received by it except to a person authorized by the Commission to investigate such substance.
- (2) The said section 6 is further amended by adding thereto $^{1938.~c.~4}_{a.6.}$, the following subsection:
 - (3) The Commission may administer an oath in such Oath of form and manner as it may determine, binding any such person not to divulge information furnished to him.
- **6.** Clause c of subsection 1 of section 37 of *The Cemetery* Rev. Stat.. Act is amended by inserting after the word "township" in subs.1, s. 37, the second line the words "or in unorganized territory," so amended. that the said clause shall now read as follows:
 - (c) acquiring land in the municipality or in the police Acquiring village or in an adjacent township, or in unorganized land. territory for a cemetery, or for the enlargement of an existing cemetery of which the corporation is the owner.
- 7. Section 5 of The Commissioners for Taking Affidavits Rev. Stat., Act is amended by striking out the words "in Council" in the amended. first and eighth lines, and by striking out the words "the Agricultural Development Board or the Department of Public Welfare" in the fourth and fifth lines and inserting in lieu thereof the words "any department of the Government of Ontario," so that the said section shall now read as follows:
 - 5. The Lieutenant-Governor may confer upon such Power to officers and employees of the Income Tax Division, Department of National Revenue (Dominion), or of any department of the Government of Ontario, as he may designate, full power to administer oaths and take affidavits in connection with the performance of their official duties, but limited as the Lieutenant-Governor may determine.
- **8.**—(1) Subsection 1 of section 3 of *The Companies Informa*-Rev. Stat., tion Act is amended by striking out the first twelve lines and subs.1, inserting in lieu thereof the following:
 - (1) On or before the 1st day of June in each and every Annual year without notice or demand to that effect, every corporation corporation incorporated under the laws of Ontario and every other corporation having its head or other office or doing business or any part thereof in the Province of Ontario, shall, unless a corporation liable

1939, c. 10;

Rev. Stat., cc. 29, 256. to payment of tax under section 3, 5, 6, 7, 8 or 9 of *The Corporations Tax Act, 1939*, or unless licensed or registered under the provisions of *The Insurance Act or The Loan and Trust Corporations Act*, make out, verify and deliver to the Provincial Secretary as hereinafter required, together with the fee prescribed by Order-in-Council, a detailed return containing as of the 31st day of March next preceding, correctly stated, the following information and particulars.—

Commence ment of subs. 1. (2) Subsection 1 shall come into force on the day upon which this Act receives the Royal Assent.

Rev. Stat., c. 85, s. 15, amended.

9. Section 15 of *The Co-operative Marketing Loan Act* is amended by adding thereto the following subsection:

Application of certain sections as to guarantees.

(2) The provisions of sections 7, 8, 9, 10, 12 and 13 relating to loans shall apply *mutatis mutandis* to every guarantee made under the provisions of this section.

Rev. Stat., c. 138, s. 12, repealed.

10.—(1) Section 12 of The Coroners Act is repealed.

Rev. Stat., c. 138, amended. (2) The Coroners Act is further amended by adding thereto the following section:

Allowances and expenses. 48a. Notwithstanding any other provision of this Act, the Lieutenant-Governor in Council may make regulations prescribing the amounts of mileage allowances and travelling and other expenses, payment of which is authorized by this Act, provided that the amounts for mileage allowances and travelling and other expenses payable under this Act shall not be increased by such regulations.

Rev. Stat., c. 163, s. 20, subs. 2, amended.

11. Subsection 2 of section 20 of *The Devolution of Estates Act* is amended by inserting after the word "thereto" in the second line the words "representing together not less than one-half of all the interests therein," so that the said subsection shall now read as follows:

Concurrence of heirs and devisees.

(2) Except with the approval of the majority of the persons beneficially entitled thereto representing together not less than one-half of all the interests therein, including the Official Guardian acting on behalf of an infant or mentally incompetent person, no sale of any such real property made for the purpose of distribution only shall be valid as respects any person beneficially entitled thereto unless he concurs therein; but where a mentally incompetent person is beneficially entitled or where there are other persons beneficially entitled whose consent to the sale

Proviso as to mentally incompetent persons and non-concurring heirs and devisees

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is not obtained by reason of their place of residence being unknown or where in the opinion of the Official Guardian it would be inconvenient to require the concurrence of such persons, he may, upon proof satisfactory to him that such sale is in the interest and to the advantage of the estate of such deceased person and the persons beneficially interested therein, approve such sale on behalf of such mentally incompetent person and non-concurring persons, and any such sale made with the written approval of the Official Guardian shall be valid and binding upon such mentally incompetent person and non-concurring persons, and for this purpose the Official Guardian shall have the same powers and duties as he has in the case of infants, and provided also that in any case the Supreme Court or a judge thereof may dispense with the concurrence of the persons beneficially entitled or any or either of them.

- 12. Subsection 4 of section 2 of *The Execution of Trusts* 1939 (2nd *Act, 1939,* is amended by inserting after the word "attorney" sess.), o. 3 in the sixth line the words "and that the donee is a person amended capable of being appointed to be a trustee of the trust," so that the said subsection shall now read as follows:
 - (4) A statutory declaration or affidavit by the donee of a Proof that power of attorney under which the execution of a gaged on trust is delegated, that the donor is engaged on war war service within the meaning of this Act, or that in any transaction the donee is acting in execution of the trust pursuant to such power of attorney and that the donee is a person capable of being appointed to be a trustee of the trust shall be accepted as sufficient evidence of the fact by any person dealing with the donee.
- 13.—(1) Section 2 of *The Extra Provincial Corporations* Rev. Stat., Act is amended by striking out the words and figures "sub-amended. sections 1 to 12 of section 3 of *The Corporations Tax Act*" in the second and third lines of Class 5 and inserting in lieu thereof the words and figures "section 3, 5, 6, 7, 8 or 9 of *The Corporations Tax Act*, 1939" so that the said Class 5 shall now read as follows:
 - Class 5. Corporations liable to payment of tax under section 3, 5, 6, 7, 8 or 9 of *The Corporations Tax Act*, 1939, or corporations licensed under the provisions 1939, o. 10; of *The Liquor Control Act* relating to brewers and Rev. Stat., distillers.
- (2) Subsection 1 shall come into force on the day upon Commence-which this Act receives the Royal Assent.

Rev. Stat, c. 56, amended. 14.—(1) The Highway Improvement Act is amended by adding thereto the following section:

Minister to direct subsidy to be paid to township. 52a. The Minister may direct that a subsidy under this Act shall be paid to any township in respect only of the expenditure on such road construction, improvement or repairs as he may designate and in every such case the by-law of a township mentioned in subsection 2 of section 46 shall cover only the estimated expenditure on work so designated.

Rev. Stat., c. 56, s. 80 subs. 1, amended.

- (2) Subsection 1 of section 80 of The Highway Improvement Act is amended by adding at the end of clause a the words "or any highway any part of the cost of construction or maintenance of which is paid out of the Highway Improvement Fund," by adding thereto the following clause:
 - (bb) regulating or prohibiting the operation of sightseeing trips, information bureaux, booths and places maintained for the purpose of furnishing information or literature to tourists and the furnishing or distribution of information or literature to tourists, and providing for the licensing of such bureaux, booths and places;

and by adding at the end of the subsection the words "and may provide that any such regulations shall apply to only such part of Ontario as he may designate," so that the said subsection shall now read as follows:

Regulations as to signboards, etc. (1) The Lieutenant-Governor in Council upon the recommendation of the Minister may make regulations,—

Prohibiting and regulating.

(a) prohibiting or regulating the erection of signs and sign boards and the pasting or painting of signs or notices and the exposing of any advertising device upon or within one-quarter of a mile from the King's Highway or any highway any part of the cost of construction or maintenance of which is paid out of the Highway Improvement Fund;

Licensing and fixing license fees (b) for licensing and fixing the fees for licenses to be granted to any person for erecting any such sign or sign board, or pasting or painting any such sign or notice or exposing any such advertising device on any such road or within one-quarter of a mile thereof;

Regulating or prohibiting sightseeing trips, information bureaux, etc. (bb) regulating or prohibiting the operation of sight-seeing trips, information bureaux, booths and places maintained for the purpose of

furnishing information or literature to tourists and the furnishing or distribution of information or literature to tourists and providing for the licensing of such bureaux, booths and places;

- (c) for the application of such fees or any part Application thereof to the maintenance of such road or of fees. otherwise;
- (d) for regulating the distance from the limit of Regulating the King's Highway or any highway to which of gasoline the Ontario Government gives aid, at which gasoline pumps may be placed and operated, and for directing the removal of any such pump placed or operated within such distance:
- (e) for licensing and fixing the fees for licenses Licensing to be granted to any person operating a gaso-gasoline line pump upon or within twenty-five feet from the limit of the King's Highway or any highway to which the Ontario Government gives aid;

and may provide that any such regulations shall apply to only such part of Ontario as he may designate.

- 15. Section 112 of *The Land Titles Act* is amended by Rev. Stat., adding thereto the following subsection:
 - (5) No plan of a subdivision of lands abutting upon Minister of the King's Highway or upon a Development Road to approve or upon any road forming part of a county road certain plans. system, within the meaning of The Highway Improvement Act, shall be registered unless it has been approved by the Minister or Deputy Minister of Highways.
- - Liquor may be kept, had, given or consumed by Place where any person only in the residence in which he resides liquor may except as otherwise provided by this Act and the regulations.
- (2) Subsection 3 of section 120 of *The Liquor Control Act* Rev. Stat. 2.294, is amended by striking out the figures "43" in the second s. 120, line, so that the said subsection shall now read as follows: subs. 3. amended.

Penalties.

(3) Everyone who violates any of the provisions of sections 35, 36, 57, 59, 60, 61, subsection 2 of section 87 or sections 99, 104, 106, 107, 108 or subsection 4 of section 125 shall be liable, for a first offence, to a fine of not less than \$100 nor more than \$1,000, and in default of immediate payment shall be imprisoned for a period of three months and for a second or subsequent offence, to imprisonment for three months.

Rev. Stat. c. 294, s. 120, (3) The said section 120 is further amended by adding thereto the following subsection:

Penalty for violation of s. 43. (3a) Everyone who violates the provisions of section 43 shall be liable, for a first offence, to a fine of not less than \$10 nor more than \$1,000, and in default of immediate payment shall be imprisoned for a period of one month and for a second or subsequent offence, to imprisonment for three months.

Rev. Stat., c. 269, Form 1, par. 3, amended.

- 17. Paragraph 3 of Form 1 of *The Local Improvement Act* is amended by striking out the figure "8" in the third line and inserting in lieu thereof the figures "10," so the the said paragraph shall now read as follows:
 - 3. A petition to the said council will not avail to prevent its construction, but a petition against the work or the manner in which it has been undertaken, may be made pursuant to section 10 of The Local Improvement Act, to the Ontario Municipal Board, by a majority of the owners representing at least onehalf of the value of the lots which are to be specially assessed therefor.

Rev. Stat., c. 311, s. 2 amended. **18**.—(1) Section 2 of *The Maternity Boarding Houses Act* is amended by adding thereto the following subsection:

Persons wh may be rereceived in maternity boarding house.

(2) No person whose house has been registered under this section shall receive or retain therein for hire or reward any person except women or girls for accouchement, or mothers with infants.

Rev. Stat., c. 311, s. 3 amended.

(2) Section 3 of *The Maternity Boarding Houses Act* is amended by adding thereto the following subsection:

Children under 3 only to be received. (2) No person whose house has been registered under this section shall receive or retain therein for hire or reward any person except infants under the age of three years.

Rev. Stat., c. 311, amended.

(3) The Maternity Boarding Houses Act is amended by adding thereto the following section:

- 19. The provisions of this Act shall not apply to any Application place which is licensed under The Private Hospitals Rev. Stat., 4ct Act.
- 19.—(1) Subsections 2 and 3 of section 31 of The Mental Rev State, ospitals Act are repealed. Hospitals Act are repealed.
- (2) Section 56 of The Mental Hospitals Act, section 57 of Rev. Stat., c. 392, s. 56. the said Act as amended by section 4 of The Mental Hospitals re-enacted; Amendment Act, 1938, and section 58 of the said Act as repealed. amended by section 5 of The Mental Hospitals Amendment Act, 1938, are repealed and the following substituted therefor:
 - 56. The provisions of this Act relating to mentally ill Application of Act to persons shall apply mutatis mutandis to any person epileptics. who is an epileptic.
- **20.** Clause b of subsection 1 of section 15 of $The\ Milk\ {\rm Rev.\ Stat.}$ Control Act is amended by inserting after the word "be" in subs. l_1 of. b. the second line the word "purchased," so that the said clause shall now read as follows:
 - (b) prescribe the terms and conditions upon which milk may be purchased, received, handled, transported, stored, delivered, supplied, processed, kept for sale or sold.
- 21 .- (1) Section 29 of The Department of Municipal Affairs Rev. Stat Act is amended by adding thereto the following subsection: c. 59, s. 29, amended.
 - (3) Where an order has been made under section 32, the where orders Board may direct that subsection 1 of this section made under the section s. 32. shall not apply to such municipality.
- (2) Clause b of subsection 1 of section 32 of The Department Rev. St. t., of Municipal Affairs Act is repealed and the following sub-subs. $10^{-6.5}$ s. $32^{-6.5}$. stituted therefor:
 - (b) issue, on such terms and conditions, in such manner and at such times as the Board may approve, of debentures, certificates or other evidences of indebtedness, in substitution and exchange for any outstanding debentures or in payment and satisfaction of the whole or any portion of such other indebtedness, and compulsory acceptance of such debentures, certificates or other evidences of indebtedness in payment and satisfaction of such outstanding debentures or other indebtedness
- (3) Clause d of subsection 1 of section 32 of The Department Rev. Stat., o. 59, s. 32, Municipal Affairs Act is repealed.

 Bullet Rev. Stat., o. 59, s. 32, subs. 1, cl. d, repealed.

 | Comparison of the Department Rev. Stat., o. 59, s. 32, subs. 1, cl. d, repealed.** of Municipal Affairs Act is repealed.

Rev. Stat., c. 59, s. 32, subs. 1, amended.

- (4) Subsection 1 of the said section 32 is further amended by adding thereto the following clause:
 - (m) an interim plan, pending a final order or plan with respect thereto, which may cancel all or any portion of interest in arrear and may alter, modify or compromise the rights of debenture holders or other creditors during any period of time between the date of default and the end of the fifth year following the date of the order of the Board.
 - (i) The Board shall not make any order under clause m unless creditors representing not less than two-thirds in amount of the aggregate of the indebtedness of the municipality or separate school board including therein debenture indebtedness but excluding therefrom indebtedness in respect of which the municipality or separate school board is not directly but only contingently or collaterally liable, have in writing filed with the Board their approval of the making of such order.

Commencement of section 22. (5) This section shall come into force on the day upon which it receives the Royal Assent and subsections 2 and 4 shall have effect as from the 1st day of January, 1939.

Rev. Stat.. (22.-(1)) Clauses d and e of section 1, and section 9 of clos. d, e; s. 9. The Private Hospitals Act are repealed.

Rev. Stat., c. 391, s. 10, amended.

(2) Section 10 of *The Private Hospitals Act* is amended by adding at the commencement thereof the words "Every license may be renewed in accordance with the regulations and," so that the said section shall now read as follows:

Renewal o

 Every license may be renewed in accordance with the regulations and the fee for renewal of a license shall be \$5.

Rev. Stat., c. 170, s. 83, subs. 14, amended.

23. Subsection 14 of section 83 of *The Registry Act* is amended by inserting after the word "system" in the second line the words "within the meaning of *The Highway Improvement Act*" and by inserting after the word "Minister" in the third line the words "or Deputy Minister," so that the said subsection shall now read as follows:

Minister of Highways to approve certain plans. (14) No plan of lands abutting upon the King's Highway or upon any road forming part of a county road system, within the meaning of The Highway Improvement Act, shall be registered unless it has been approved by the Minister or Deputy Minister of Highways.

- **24**. Section 43 of *The Sanatoria for Consumptives Act* as Rev. Stat., amended by section 6 of *The Sanatoria for Consumptives* ^{0,395, 8, 43, amended.} Amendment Act, 1938, and section 7 of The Sanatoria for Consumptives Amendment Act, 1939, is further amended by striking out the word "or" at the end of clause c, by adding the word "or" at the end of clause d, and by adding thereto the following clause:
 - (e) if such patient has been living in the municipality Member of by reason of being engaged on active service as a military, member of the military, naval or air force of Canada, air force. but in such cases the patient shall for the purposes of this Act be deemed to be a resident in that municipality in which he was a resident at the time of enlistment for such service.
- 25. Subsection 5 of section 30 of *The Surrogate Courts Act* Rev. Stat.. c. 106, s. 30, repealed and the following substituted therefor: subst.5, re-enacted. is repealed and the following substituted therefor:
 - (5) Probate or letters of administration or other similar Consent of grant shall not be issued without the written consent Ontario. of the Treasurer of Ontario or someone authorized by him to consent in such cases.
- 26. The Surveys Act is amended by adding thereto the Rev. Stat., o. 232, amended. following section:
 - 19a. In any township which has not been organized for Re-estabmunicipal purposes, where any concession line or of line. any side line or a part of any such line has been obliterated and it is found necessary to re-establish such line, the Minister may, at the request of any owner or owners of land bounded or affected by such line, order the line to be surveyed and marked by monuments of stone or other durable material in the manner prescribed by this Act and at the cost of such owner or owners, and the provisions of section 17 shall apply mutatis mutandis to any survey ordered under this section.
- 27. Section 13a of The Unemployment Relief Act, 1935, 1935, c. 71. as enacted by section 25 of The Statute Law Amendment (1938, c. 37, Act, 1938, is amended by adding thereto the following sub-amended. section:
 - (2) An unemployment relief administrator or any assis-Approval of tant to an unemployment relief administrator shall meessary. not be removed from such office without the approval of the Minister of Public Welfare.
 - 28.—(1) Section 8 of The Venereal Diseases Prevention Act Rev. Stat.

 11 is amended.

 128.—(1) Section 8 of The Venereal Diseases Prevention Act Rev. Stat.

 13 amended.

is amended by striking out the word "or" at the end of clause c, by adding the word "or" at the end of clause d, and by adding thereto the following clause:

(e) wilfully represents himself as bearing some other name than his own or makes any false statement as to his ordinary place of residence during the course of his treatment for any venereal disease with the purpose of concealing his identity from the medical practitioner or clinic providing such treatment.

Rev. Stat., c. 301, s. 12, cl. g, amended.

(2) Clause g of section 12 of *The Venereal Diseases Prevention Act* is amended by striking out the words "and public institutions" in the second and third lines and inserting in lieu thereof the words "public institutions and public and private laboratories" and by inserting after the word "their" in the fourth line the word "diagnosis," so that the said clause shall now read as follows:

Reports from physicians, etc. (g) requiring medical practitioners, hospital superintendents and heads of places of detention, public institutions and public and private laboratories to make reports upon the cases of venereal disease coming under their diagnosis, treatment or care but, except where it is otherwise provided in this Act, without disclosing the name or address of any person suffering from venereal disease, and prescribing the form of such reports.

Rev. Stat., c. 7, s. 5, subs. 17, amended.

29. Subsection 17 of section 5 of *The Voters' Lists Act* is amended by striking out the word "sixty." in the fourth line and inserting in lieu thereof the word "sixty-five," so that the said subsection shall now read as follows:

Entries of those quali fied as jurors. (17) The clerk in making out the voters' list shall in a separate column provided for the purpose, write or mark the letter "J" upon the voters' list opposite the name of every male person over twenty-one and under sixty-five years of age, who by the roll appears to possess the property qualification required to qualify him to serve as a juror, and such voters' list shall show at or near the end of the second part, the aggregate number of names of persons upon such lists qualified to serve on juries, and in the case of cities and towns such list shall give the same information for each ward.

Elections not to be held until 1942. **30.** Notwithstanding any provision contained in *The University Act* there shall be no election of the Chancellor or of the members of the Senate of the University of Toronto until September, 1942, unless in the meantime a Statute is passed by the Senate directing an election either of the Chancellor or of the members of the Senate, or of both.

31.

- **31.** Subsection 1 of section 2 of *The Statute Law Amendment* 1936, c. 56. *Act, 1936*, shall apply to all taxes imposed or levied on or security after the 31st day of December, 1939, and prior to the 1st the of January, 1941, by the council of any municipality under the authority of any Act.
- **32.** The Treasurer of Ontario is hereby empowered, subject Town of to the approval of the Lieutenant-Governor in Council, to Essex pay, settle, arrange or compromise any and all claims of the Order Essex Border Utilities Commission which were definitely Commission. owing by the corporation of the town of Ojibway on the 15th day of July, 1937, to the said Commission.
- 33. This Act may be cited as The Statute Law Amendment Short title. Act, 1940.



CHAPTER 29.

An Act to amend The Succession Duty Act, 1939.

Assented to February 24th, 1940. Session Prorogued February 24th, 1940.

HIS MAJESTY, by and with the advice and consent of Legislative Assembly of the Province of Ontario, enacts as follows:

- **1.**—(1) Clause p of section 1 of *The Succession Duty Act*, 1939, 2nd sess. 1939, is amended by striking out the first two lines and c, 1, 8, 1, inserting in lieu thereof the following:
 - (p) property passing on the death of the deceased shall Property passing. be deemed to include,—
- (2) Subclause ix of clause p of the said section 1 is amended $\frac{19.93}{29.39}$, by adding at the end thereof the words "or by a business or $\frac{1}{61},\frac{1}{10},\frac{1}{10}$ company in which such person was interested directly or subcl. ix, indirectly and to which such person has transferred such amended. property without full consideration in money or money's worth," so that the said subclause shall now read as follows:
 - (ix) any property in respect of which a disposition is Property, made in Ontario on or after the 1st day of July, 1892, in Ontario, to any person who is not resident in Ontario at the date of death of the deceased, which at the date of death of the deceased was situate in Ontario and was owned by the person to whom such disposition is made or by a business or company in which such person was interested directly or indirectly and to which such person has transferred such property without full consideration in money or money's worth.
- (3) Subclause x of clause p of the said section 1 is amended $^{1839}_{2nd}$, sessibly striking out the words "to any person who is not resident $^{\circ}_{cl}$, 1, s. 1, in Ontario at the date of death of the deceased" in the third, subcl. x, fourth and fifth lines, and by inserting after the word "made" in the eighth line the words "or by a business or company in which such person was interested directly or indirectly and to which such person has transferred such property without full consideration in money or money's worth," so that the said subclause shall now read as follows:

Property,—disposition outside Ontario.

(x) any property in respect of which a disposition is made outside Ontario on or after the 1st day of July, 1892, which at the date of death of the deceased was situate in Ontario and was owned by the person to whom such disposition is made or by a business or company in which such person was interested directly or indirectly and to which such person has transferred such property without full consideration in money or money's worth, and where the deceased was domiciled in Ontario at the time the disposition was made and at the date of his death; and

1939, 2nd sess., c. 1, s. 2, subs. 1, cl. b, amended. 2.—(1) Clause b of subsection 1 of section 2 of The Succession Duty Act, 1939, is amended by striking out all the words after the word "value" in the third line and inserting in lieu thereof the words "determined by the Treasurer, and such value shall be deemed to be the value of such security and shall not be subject to review by any court, notwithstanding anything contained herein," so that the said clause shall now read as follows:

Value of unlisted securities (b) the value of any security which is not listed or on which no price or quotation is obtainable as provided in clause a shall be the value determined by the Treasurer, and such value shall be deemed to be the value of such security and shall not be subject to review by any court, notwithstanding anything contained herein.

1939, 2nd sess., c. 1, s. 2, subs. 1, cl. ϵ , amended. (2) Clause c of subsection 1 of the said section 2 is amended by striking out all the words after the word "value" in the second line and inserting in lieu thereof the words "determined by the Treasurer, and such value shall be deemed to be the value of such business or of such interest in any business and shall not be subject to review by any court, notwithstanding anything contained herein," so that the said clause shall now read as follows:

Value of business (c) the value of any business or of any interest in any business shall be the value determined by the Treasurer, and such value shall be deemed to be the value of such business or of such interest in any business and shall not be subject to review by any court, notwithstanding anything contained herein.

1939, 2nd sess., c. 1, s. 4, subs. 1, cl. g. 3. Clause g of subsection 1 of section 4 of *The Succession Duty Act, 1939*, is amended by striking out the words "husband, wife," in the first line and by striking out the word "ten" in the fifth and sixteenth lines respectively and inserting in lieu thereof the word "twenty," so that the said clause shall now read as follows:

(g) any disposition to the father, mother or any brother, sister, son, daughter, son-in-law or daughter-in-law of the deceased or any person adopted while under the age of eighteen years by the deceased under The Adoption Act, made more than twenty years Rev. Stat., before the date of death of the deceased, where actual and bona fide enjoyment and possession of the property in respect of which the disposition is made, shall have been immediately assumed by the person to whom the disposition is made and thenceforward retained to the entire exclusion of the deceased or of any benefit to him whether voluntarily or by contract or otherwise, provided that this clause shall Proviso not apply to any disposition resulting in the making of periodic payments, except such payments as are made more than twenty years before the date of death of the deceased.

- 4. Clause d of section 5 of The Succession Duty Act, 1939, 2nd sess. is amended by striking out the words, numerals, letter and o. 1. s. 5. figure "other than the property mentioned in subclauses ix amended. and x of clause p of section 1" in the second and third lines, and by adding at the end of the said clause the words "provided that this clause shall not apply if, at the date of death of the deceased, the property in respect of which the disposition is made was both situate in Ontario and was owned by the person to whom the disposition is made or by a business or company in which such person was interested directly or indirectly and to which such person has transferred such property without full consideration in money or money's worth," so that the said clause shall now read as follows:

(d) where any disposition of any personal property is made outside Ontario on or after the 8th day of March, 1937, to any person who is resident in Ontario at the time such disposition is made and at the date of death of the deceased and the deceased was domiciled in Ontario at the time such disposition is made and at the date of his death, duty shall be levied on the person to whom such disposition is made, with respect to such disposition, in accordance with the value thereof; provided that this clause shall not apply if, at the date of death of the deceased, the property in respect of which the disposition is made was both situate in Ontario and was owned by the person to whom the disposition is made or by a business or company in which such person was interested directly or indirectly and to which such person has transferred such property without full consideration in money or money's

1939, 2nd sess., c. 1, s. 6, subs. 1, **5.**—(1) Subsection 1 of section 6 of *The Succession Duty Act, 1939*, is amended by striking out the first six lines and inserting in lieu thereof the following:

Rates of duty. preferred (1) The duty levied by this Act on the proportion of the property passing on the death of the deceased to or for the benefit of the father, mother, husband, wife or a grandfather, grandmother, child, son-inlaw or daughter-in-law of the deceased, and the duty levied on the father, mother, husband, wife or a grandfather, grandmother, child, son-in-law or daughter-in-law of the deceased, shall be at the following rates:

Where the aggregate value,—

and by striking out the six lines immediately preceding clause aa and inserting in lieu thereof the following:

"and the duty levied by this Act on the proportion of the property passing on the death of the deceased to or for the benefit of any one of such persons and the duty levied on such person, shall be at the following additional rates:

Where the amount of the value of all the property which so passes and of the value of all transmissions to and dispositions made to such person, after making allowance for the debts, incumbrances and other allowances authorized by and in accordance with subsection 5 of section 2,—"

1939, 2nd sess., c. 1, s. 6, subs. 2, amended. (2) Subsection 2 of the said section 6 is amended by striking out the first nine lines and inserting in lieu thereof the following:

Rates of

(2) The duty levied by this Act on the proportion of the the property passing on the death of the deceased to or for the benefit of a lineal ancestor of the deceased except the grandfather, grandmother, father or mother, or to or for the benefit of a brother or sister of the deceased or any descendant of any such brother or sister or a brother or sister of the father or mother of the deceased or any descendant of of any such brother or sister, and the duty levied on a lineal ancestor of the deceased except the grandfather, grandmother, father, or mother, or on a brother or sister of the deceased or any descendant of any such brother or sister, or on a brother or

sister of the father or mother of the deceased or any descendant of any such brother or sister, shall be at the following rates:

Where the aggregate value,-

and by striking out the six lines immediately preceding clause aa and inserting in lieu thereof the following:

"and the duty levied by this Act on the proportion of the property passing on the death of the deceased to or for the benefit of any one of such persons and the duty levied on such person, shall be at the following additional rates:

Where the amount of the value of all the property which so passes and of the value of all transmissions to and dispositions made to such person, after making allowance for the debts, incumbrances and other allowances authorized by and in accordance with subsection 5 of section 2.—"

- (3) Subsection 3 of the said section 6 is amended by striking 1939, out the first five lines and inserting in lieu thereof the follow-c.1, s. 6, subs. 3, amended as subs. 3.
 - (3) The duty levied by this Act on the proportion of the Rates; of property passing on the death of the deceased to or duty. for the benefit of any person other than those to whom subsections 1 and 2 apply, and the duty levied on any person other than those to whom subsections 1 and 2 apply, shall be at the following rates:

Where the aggregate value,—

- - (1) Every person resident in Ontario at the date of death Liability of the deceased to whom or for whose benefit any for duty property situate in Ontario passes on the death of interest. the deceased shall be liable for the duty levied on the proportion of such property which so passes to him or for his benefit, together with such interest as may be payable thereon.

1939, 2nd sess., c. 1, s. 12, subs. 1, **7.**—(1) Subsection 1 of section 12 of *The Succession Duty Act, 1939*, is amended by striking out the first six lines and clause *a* and inserting in lieu thereof the following:

Filing affidavit

- (1) Every person to whom or for whose benefit any property situate in Ontario passes on the death of the deceased or to whom there is a transmission or to whom a disposition is made, shall within three months after the death of the deceased, or within such further period as may be allowed by the Treasurer, make and file with the Treasurer an affidavit containing.—
 - (a) an inventory of all the property passing on the death of the deceased to him or for his benefit and particulars of all dispositions made to him and an inventory of all the property passing on the death of the deceased to or for the benefit of any other person and particulars of all dispositions made to any other person, of which he has knowledge, and such inventories shall show the value of such property and dispositions; and

1939, 2nd sess., c. 1, s. 12 amended. (2) The said section 12 is further amended by adding thereto the following subsection:

Dispensing with affidavit, (2a) Where an affidavit purporting to be the affidavit required by subsection 2 has been filed within the period mentioned in subsection 1 the Treasurer may, in writing, dispense with the filing of an affidavit by any of the persons to whom subsection 1 applies.

1939, 2nd sess., c. 1, s. 13, re-enacted. 8. Section 13 of *The Succession Duty Act, 1939*, is repealed and the following substituted therefor:

Nondisclosure 100 per cent. 13.—(1) Every person in Ontario mentioned in subsections 1 and 2 of section 12 who fails to disclose to the Treasurer any property passing on the death of the deceased or any disposition, which such person is required to disclose in accordance with the provisions of section 12, shall pay to the Treasurer as a penalty an amount equal to one hundred per centum of the amount of the duty levied on such property or with respect to the transmission of such property or with respect to such disposition.

Nondisclosure per diem penalty. (2) Every person in Ontario mentioned in subsections 1 and 2 of section 12 who fails to disclose to the Treasurer any property passing on the death of the deceased or any disposition, which such person is required to disclose in accordance with the provisions of section 12, shall pay to the Treasurer as a penalty the sum of \$1 per day for each full \$1,000 in excess of \$1,000 in value of such property or disposition up to \$10 per day for each day of the period commencing with the day on which an affidavit purporting to be the affidavit required by subsection 1 or 2 of section 12 was filed and ending on the day on which it becomes known to the Treasurer that such property or disposition was not so disclosed, provided that the amount of such penalty shall not exceed the value of such property or disposition.

- 9. Subsection 3 of section 19 of *The Succession Duty Act*, ¹⁹³⁹_{2nd soss.} 1939, is amended by striking out the word "such" in the fifth c. 1, s. 19 line, so that the said subsection shall now read as follows: subsection shall now read as follows:
 - (3) The Treasurer may cause to be registered in the Cautton. proper registry office or office of land titles, as the case may be, a caution claiming duty levied on any land, mortgage or charge or on any person to whom any disposition in respect of any land, mortgage or charge is made.
- **10.**—(1) Subsection 1 of section 24 of *The Succession Duty* ¹⁹³⁹, *Act, 1939*, is amended by striking out the words "for which c. 1, s. ²⁴, such person is liable" in the tenth line and inserting in lieu subs. ¹, thereof the words "payable by such person", so that the said subsection shall now read as follows:
 - (1) An executor or trustee, as such, shall not be personally Executors, liable for any duty, but an executor, trustee or personally son in Ontario in whom any property passing on the death of the deceased or any property in respect of death of the deceased vested, or who has the management or control thereof, shall not transfer any such property to the person beneficially entitled thereto without deducting therefrom or collecting an amount sufficient to pay the duty and interest payable by such person.
- (2) Subsection 2 of the said section 24 is amended by 1939, striking out the words "for which the person beneficially en-c.1.s.24 titled thereto is liable" where they occur in the third and subs. 2, fourth lines and the ninth and tenth lines respectively and inserting in lieu thereof the words "payable by the person beneficially entitled thereto", so that the said subsection shall now read as follows:

Penalty.

(2) Any such executor, trustee or person who transfers any such property without so deducting or collecting the amount payable by the person beneficially entitled thereto shall pay to the Treasurer as a penalty an amount equal to one hundred and fifty per centum of the amount of such duty, provided that any such executor, trustee or person shall not be liable for such penalty if he so deducts from the property transferred or so collects an amount sufficient to pay the duty and interest payable by the person beneficially entitled thereto as claimed in a statement made pursuant to subsection 1 of section 31 or in any other claim made by the Treasurer or as determined by any court.

1939. 2nd sess., c. 1. s. 28, subs. 3, amended. 11.—(1) Subsection 3 of section 28 of *The Succession Duty Act, 1939*, is amended by striking out the words and figures "to whom subsection 1 or 2 applies", in the first line so that the said subsection shall now read as follows:

Privilege

(3) No person shall be entitled to claim any privilege in respect of any information, question, document, record or thing.

2nd sess.. c. 1, s. 28, amended. (2) The said section 28 is further amended by adding thereto the following subsection:

No action against certain persons.

(4) No action shall lie against any person to whom subsection 1, 2 or 3 applies for any thing done or purported to be done in pursuance of this section.

1939, 2nd sess., c. 1, amended **12**. The Succession Duty Act, 1939, is amended by adding thereto the following section:

Material to be fur nished to Treasure 28a. Every person shall, when requested by the Treasurer, furnish to the Treasurer any material which the Treasurer may require for the purposes of this Act or with written authority to inspect and make copies of any document, record or thing.

1939, 2nd sess., c. 1 s. 29, cl. a, amended.

- **13.**—(1) Clause *a* of section 29 of *The Succession Duty Act, 1939*, is amended by inserting after the word "deceased" in the first line the words "any property deemed by the provisions of any Act in force at the date of death of the deceased to pass on the death," so that the said clause shall now read as follows:
 - (a) any property passing on the death of the deceased, any property deemed by the provisions of any Act in force at the date of death of the deceased to pass on

the death, or any property in respect of which a disposition is made, or any muniment or evidence of title to or of interest in any such property.

- (2) Clause b of the said section 29 is amended by inserting 1939, after the word "deceased" in the fourth line the words "to any $\frac{2nd}{c}$ assess. property deemed by the provisions of any Act in force at the d. b. amended date of death of the deceased to pass on the death," so that the said clause shall now read as follows:
 - (b) any property, muniment or evidence of title or interest belonging to or in the possession of any executor or trustee relating to any property passing on the death of the deceased, to any property deemed by the provisions of any Act in force at the date of death of the deceased to pass on the death, or to any disposition.
- (3) Clause c of the said section 29 is amended by striking 1939, out the words "who may be liable for duty" in the third c. 1, s. 29, line and inserting in lieu thereof the words "by whom duty energy may be payable," so that the said clause shall now read as follows:
 - (c) any property, muniment or evidence of title or interest belonging to or in the possession of any person by whom duty may be payable; or
- **14.**—(1) Clause a of subsection 1 of section 30 of The Suc-1939.

 cession Duty Act, 1939, is amended by adding at the end o. 1, s. 30, thereof the words "or in any property deemed to pass on the amended. death", so that the said clause shall now read as follows:
 - (a) any property, security, muniment or evidence of title to or of interest in any property passing on the death of the deceased or in any property deemed to pass on the death.
- (2) Clause c of subsection 1 of the said section 30 is amended 1939, 2nd sess... by inserting after the word "deceased" in the second and c. 1, s. 30, sixth lines respectively the words "any property deemed to cl. c. pass on the death", and by striking out the words "who may be amended. liable for duty" in the twelfth line and inserting in lieu thereof the words "by whom duty may be payable", so that the said clause shall now read as follows:
 - (c) any safety deposit box or other repository containing any property passing on the death of the deceased, any property deemed to pass on the death, or any property in respect of which a disposition is made, or

any property, security, muniment or evidence of title relating to any property passing on the death of the deceased, any property deemed to pass on the death, or any property in respect of which a disposition is made, in the name of, belonging to or in the possession of any executor or trustee, or any safety deposit box or other repository or any property, security, muniment or evidence of title in the name of, belonging to or in the possession of any person by whom duty may be payable.

1939, 2nd sess. c. 1, s. 31 subs. 10, **15**. Subsection 10 of section 31 of *The Succession Duty Act, 1939*, is amended by striking out the words "for which he is liable" in the sixth and seventh lines and inserting in lieu thereof the words "payable by him", so that the said subsection shall now read as follows:

Enforcement of judgment or order. (10) Every judgment or order given or made in any such cause may be enforced in the same manner and by the like process as a judgment or order given or made in an action in the Supreme Court of Ontario and if as the result of any order or judgment it appears that the appellant has overpaid the amount of duty, interest or penalties payable by him, the Lieutenant-Governor in Council shall, subject to any order as to costs, refund the amount of such overpayment to the appellant together with interest thereon at a rate not exceeding three per centum per annum from the date of the making of such overpayment to the date on which such amount is refunded.

1939, 2nd sess., c. 1, s. 33, subs. 3, amended. 16. Subsection 3 of section 33 of *The Succession Duty Act*, 1939, is amended by striking out the words "for which" in the thirteenth line and inserting in lieu thereof the words "payable by", and by striking out the words "is liable" in the last line, so that the said subsection shall now read as follows:

Further duty.

(3) Notwithstanding any judgment given or order made in any cause under section 31 or in any action under this Act, if it shall appear to the Treasurer that any property or disposition is not included in the claim in the proceedings leading to such judgment or order, the Treasurer may proceed with or exercise all or any of the powers, rights and remedies, including those mentioned in section 31, conferred by this Act for the purpose of collecting any duty levied on such property not so included, or levied on any person to whom there is a transmission of any such property, with respect to such transmission, or levied on any person to whom any disposition not so included is made, with respect to such disposition, together with any interest thereon and any penalties payable by the person to whom such property passes or to whom such disposition is made.

- 17.—(1) Subsection 1 of section 34 of *The Succession Duty* 1939.

 Act, 1939, is repealed and the following substituted therefor: c. 1, s. 34, substituted therefor: c. 1, s. 34, substituted therefor: c. 1, s. 34, substituted therefore.
 - (1) In addition to the powers, rights and remedies of the Recovery Treasurer under this or any other Act, any duty by action, and interest payable under this Act or any Act in force at the date of death of the deceased, any penalties imposed under section 12 or under similar provisions in force at the date of death of the deceased and any penalties imposed under section 13 or under any Act in force at the date of death of the deceased for failure to disclose property passing on the death of the deceased, property deemed to pass on the death and dispositions, may be recovered with costs by His Majesty represented by the Treasurer by action in any court of competent jurisdiction.
- (2) The said section 34 is further amended by adding 1939, 2nd sess., c 1, s. 94, amended.
 - (3) The use of any of the remedies provided by this Preservation section shall not limit or affect the right of the of remedies. Treasurer to proceed with or to exercise all or any of the powers, rights and remedies conferred by this Act and any action or proceeding taken under this section shall not affect any lien or priority which theretofore existed under the provisions of this Act or otherwise.

18. Section 37 of *The Succession Duty Act*, 1939, is amended by inserting after the figures "28" in the second line the word, only inserting after the second line the word, and inserting after the word "penalty" in the fourth line the words and figures "of not less than \$1,000 and", so that the said section shall now read as follows:

37. Every person who fails to comply with the provisions Penalty for of subsection 1 or 2 of section 28, section 28a, section offenoes.
29, subsection 1 of section 30, section 35 or 36 shall be guilty of an offence and shall, for each offence, be liable to a penalty of not less than \$1,000 and not exceeding \$10,000 or to imprisonment for a period not exceeding two years, or to both fine and imprisonment.

1939, 2nd sess., c. 1, s. 39 amended. 19. Section 39 of *The Succession Duty Act, 1939*, is amended by striking out the words "which are by this Act made applicable" at the end thereof, so that the said section shall now read as follows:

Treasurer's powers to proceed. 39. Whether or not any amount purporting to be on account or in full payment of any duty, interest or penalties has been paid or any Treasurer, officer or servant of the Crown has at any time received or acknowledged to have received any amount purporting to be on account or in full payment of any duty, interest or penalties due and payable under this or any Act in force at the date of death of the deceased, the Treasurer may proceed with or exercise all or any of the powers, rights and remedies, including those mentioned in section 31, conferred by this Act for the purpose of collecting any duty, interest or penalties which should have been paid under this Act or under the provisions of any Act in force at the date of death of the deceased.

1939. 2nd sess., c. 1, s. 42, re-enacted. **20**. Section 42 of *The Succession Duty Act*, 1939, is repealed and the following substituted therefor:

Secrecy

42.—(1) All information and material furnished to or received by the Treasurer or any officer or servant of the Crown under this or any Act heretofore in force relating to duty, shall be confidential.

Communication forbidder (2) No person shall, otherwise than in the ordinary course of his duties, communicate any such information to or allow access to or inspection of any such material by any person except officers of such departments of the Government of Canada or of any Province of Canada as may be designated by the Lieutenant-Governor in Council.

Exception

(3) Subsection 1 shall not apply to any information or material in the office of the registrar of any surrogate court which was filed with him pursuant to the provisions of this or any other Act, and subsection 2 shall not apply to any such registrar or any person employed in his office in respect of such information or material.

Penalty

(4) Every person who violates any of the provisions of subsection 2 shall be guilty of an offence and liable to a penalty not exceeding \$200.

2nd sess., c. 1, s. 44 amended. 21. Section 44 of *The Succession Duty Act, 1939*, is amended by striking out the figure "3" in the third line and inserting in lieu thereof the figure "4", so that the said section shall now read as follows:

- 44. The penalties imposed under subsection 4 of section Penalties.— 8, subsection 2 of section 9, subsection 2 of section Penalties.— 24, section 37 and subsection 4 of section 42 may be recovered under The Summary Convictions Act.
- **22.** Section 45 of *The Succession Duty Act, 1939*, is repealed $\frac{1939}{2nd}$ sess., and the following substituted therefor: c. 1, s. 45, re-enacted.
 - 45. Notwithstanding the provisions of *The Judicature* Remission *Act* and *The Fines and Forfeitures Act*, the penalties imposed by this or any Act in force at the date of co. 100. death of the deceased shall not be remitted either in ¹⁴⁴. whole or in part, except by the Lieutenant-Governor in Council.
- 23.—(1) Subsections 1 and 2 of section 47 of *The Succes*-1939, sion *Duty Act*, 1939, shall be deemed never to have had effect on the start and are hereby repealed and the following substituted therefor re-enacted; subs. 2.
 - (1) This Act shall apply and have effect where the de-Application ceased died on or after the 1st day of July, 1892, of Act—save that section 40 shall apply and have effect only where the deceased died on or after the coming into force of this Act, and save further that where the deceased died on or after the 1st day of July, 1892, and before the coming into force of this Act, such of the provisions,—
 - (a) levying duty on or making subject to or liable for duty any person, property, transmission or disposition:
 - (b) prescribing rates of duty;
 - (c) allowing exemptions from duty;
 - (d) determining aggregate value;
 - (e) creating an obligation by any person to disclose property passing on the death of the deceased, property deemed to pass on the death and dispositions; and
 - (f) imposing penalties for failure to file returns or for failure to disclose property passing on the death of the deceased, property deemed to pass on the death and dispositions,

as are contained in this Act shall not apply but such of the provisions,—

- (a) levying duty on or making subject to or liable for duty any person, property, transmission or disposition;
- (b) prescribing rates of duty;
- (c) allowing exemptions from duty;
- (d) determining aggregate value;
- (e) creating an obligation by any person to disclose property passing on the death of the deceased, property deemed to pass on the death and dispositions; and
- (f) imposing penalties for failure to file returns or for failure to disclose property passing on the death of the deceased, property deemed to pass on the death and dispositions,

as are contained in any Act in force at the date of death of the deceased shall apply, notwithstanding the repeal of any of such provisions.

1939, 2nd sess., c. 1, s. 47, subs. 3, amended.

(2) Subsection 3 of the said section 47 is amended by striking out the words "on the Treasurer" in the second line, so that the said subsection shall now read as follows:

Saving Treasurer's powers. (3) This section shall not limit the exercise of any of the powers conferred by sections 25, 26, 30 and 39.

Rev. Stat.. c. 118 not to apply. **24**. The provisions of *The Limitations Act* shall not apply to any action, information or proceeding under the provisions of *The Succession Duty Act*, 1939, for the recovery of any penalties imposed by such Act or by any Act in force at the date of death of the deceased.

Fair market value of invested securities and business. 25. For the purposes of any Act in force at the date of death of the deceased, where the deceased died prior to the 22nd day of September, 1939, the fair market value of any security which is not listed on any stock exchange or on which no price or quotation is obtainable from financial journals, recognized financial reports or registered brokers, or of any business or of any interest in any business shall be the value determined by the Treasurer, and such value shall be deemed to be the fair market value of such security, business or interest and shall not be subject to review by any court, notwithstanding anything contained in this or any other Act.

Chap. 29.

27. This Act may be cited as The Succession Duty Amend- Short ment Act, 1940.



CHAPTER 30.

An Act for granting to His Majesty certain sums of money for the Public Service of the financial year ending the 31st day of March, 1941.

Assented to February 24th, 1940. Session Prorogued February 24th, 1940.

MOST GRACIOUS SOVEREIGN:

HEREAS it appears by message from The Honourable Preamble. Albert Matthews, Lieutenant-Governor of the Province of Ontario. and the estimates accompanying the same, that the sums hereinafter mentioned in the schedule to this Act are required to defray certain expenses of the public service of this Province, not otherwise provided for, for the financial year ending the 31st day of March, 1941, and for other purposes connected with the public service; May it therefore please Your Majesty that it may be enacted, and it is hereby enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, as follows:

- 1. From and out of the Consolidated Revenue Fund of \$86,562 this Province, there may be paid and applied a sum not granted for exceeding in the whole Fifty-six million, five hundred and fiscal year sixty-two thousand, two hundred and fifteen dollars towards defraying the several charges and expenses of the public service of this Province, not otherwise provided for, from the 1st day of April, 1940, to the 31st day of March, 1941, as set forth in schedule "A" to this Act.
- 2. Accounts in detail of all moneys received on account of Accounts this Province during the financial year 1940-41 and of all before expenditures under schedule "A" of this Act shall be laid Assembly before the Legislative Assembly at the first sitting after the completion of the said financial year.
- 3. Any part of the money under schedule "A" appropriated Appropriate by this Act out of the Consolidated Revenue, which may be stated unexpended on the 31st day of March, 1941, shall not be to lapse. expended thereafter, except in the payment of accounts and expenses incurred on or prior to the said day; and all balances remaining unexpended after the said date or at such sub-

Rev. Stat., c. 24.

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sequent date as may be fixed by the Lieutenant-Governor in Council under the provisions of The Audit Act shall lapse and be written off.

Accounting

4. The due application of all moneys expended under this for expenditure. Act out of the Consolidated Revenue shall be accounted for to His Majesty.

Commence-ment of Act.

5. This Act shall come into force on the day upon which it receives the Royal Assent.

SCHEDULE "A"

Sums granted to His Majesty by this Act for the financial year ending on the thirty-first day of March, one thousand nine hundred and forty-one, to defray expenses of:

Agriculture Department\$2,145,885.00
Attorney-General's Department. 3,047,510.00
Education Department10,619,000.00
Game and Fisheries Department. 625,000.00
Health Department10,566,050.00
Highways Department 1,129,800.00
Incurance Department 1,129,800.00
Insurance Department 61,000.00
Labour Department 547,000.00
Lands and Forests Department. 2,690,600.00
Legislation
Lieutenant-Governor's Office 10,000.00
Mines Department 361,625.00
Municipal Affairs Department. 108,370.00
Prime Minister's Department 151,270.00
Provincial Auditor's Office 112,200.00
Provincial Secretary's Depart-
ment
Provincial Treasurer's Depart-
ment
Public Welfare Department 19,176,395.00
Public Works Department 1,215,500.00
Miscellaneous 104,400.00
Total astimates for annuality of 1040
Total estimates for expenditure of 1940-
1941\$56,562,215.00

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CHAPTER 31.

An Act to confirm Tax Sales.

Assented to February 24th, 1940. Session Prorogued February 24th, 1940.

IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. All sales of land held prior to the 1st day of January, Tax sales 1939, and purporting to have been made for arrears of taxes deeds payable to a municipal corporation or to the school board of a confirmed school section in an unorganized township, with respect to the land so sold, are confirmed and declared to be legal, valid and binding, and every conveyance of land so sold purporting to have been executed as required by The Assessment Act Rev. Stat., and purporting to convey such land to the purchaser thereof, his heirs and assigns, or its successors and assigns, is also confirmed and declared to be legal, valid and binding and shall be deemed to have had the effect of vesting such land in the purchaser, his heirs, assigns or legal representatives, in fee simple or otherwise, according to the nature of the estate or interest sold, clear of and free from all right and interest of the owner thereof at the time of such sale and clear of and free from all charges and encumbrances thereon and dower therein except taxes accruing after those for non-payment of which such land was so sold.

2.—(1) Every tax arrears certificate that was registered Registered prior to the 1st day of January, 1939, that purports to have certificates been registered pursuant to The Ontario Municipal Board confirmed. Act, 1932, The Department of Municipal Affairs Act, 1935, 1935, c. 27, or The Department of Municipal Affairs Act and that is now Rev. Stat. outstanding, and the registration thereof, are confirmed and declared to be legal, valid and binding, and shall be deemed to have had the effect of vesting the land therein described in the corporation of the municipality in which the land is situate. its successors and assigns, in fee simple or otherwise, according to the nature of the estate, right, title and interest of the owner thereof at the time of such registration, clear of and free from all estate, right, title and interest of such owner or his assigns. and of all charges or encumbrances thereon and dower therein.

(2) Notwithstanding that under subsection 1 land with respect to which a tax arrears certificate has been registered has become vested in the municipality, and that the period for redemption thereof has expired, the treasurer thereof may, with the approval of the Department of Municipal Affairs, permit such land to be redeemed in the manner provided in

section 44 of The Department of Municipal Affairs Act.

1932, c. 27; 1935, c. 16; Rev. Stat., c. 59.

3. Every redemption certificate registered prior to the 1st day of January, 1940, and purporting to have been registered pursuant to The Ontario Municipal Board Act, 1932, The Department of Municipal Affairs Act, 1935, or The Department of Municipal Affairs Act, and the registration thereof, are hereby confirmed and declared to be legal, valid and binding, and shall be deemed to have had the effect of vesting in the registered owner at the time of registration of the tax arrears certificate, his heirs or assigns, his original estate, right, title or interest in the land described therein, and of cancelling the tax arrears certificate registered with respect to such land.

1935, c. 16; Rev. Stat., c. 59.

4. Every vacating certificate registered prior to the 1st day of January, 1940, and purporting to have been registered pursuant to The Department of Municipal Affairs Act, 1935, or The Department of Municipal Affairs Act, and the registration thereof, are hereby confirmed and declared to be legal, valid and binding, and shall be deemed to have had the effect of vesting in the registered owner at the time of registration of the tax arrears certificate, his heirs or assigns, his original estate, right, title and interest in the land described therein, notwithstanding that the Department of Municipal Affairs had not authorized the agreement, if any, for composition and payment of the arrears of taxes with respect to such land.

5. This Act shall not affect or prejudice any right of any person in any action, litigation or other proceeding now pending, and any such action, litigation or other proceeding may be continued and finally adjudicated in the same manner and to the same extent as if this Act had not been passed.

Saving as to rights of

6. This Act shall not affect or defeat the Crown with respect to its interest in any land which, or any interest in which, has been sold for taxes, or against which, or any interest in which, a tax arrears certificate has been registered.

Short title.

7. This Act may be cited as The Tax Sales Confirmation Act, 1940.

CHAPTER 32.

An Act to amend The Teachers' and Inspectors' Superannuation Act.

Assented to February 24th, 1940. Session Prorogued February 24th, 1940.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. Subsection 1 of section 4 of *The Teachers' and Inspectors'* Rev. Stat., Superannuation Act is amended by striking out the words and amended. since "as from the 1st day of September, 1936" in the second amended. and third lines, and by inserting after the word "three" in the third line the words "and one-half," so that the said subsection shall now read as follows:
 - (1) Every teacher and inspector employed in Ontario contribushall contribute to the fund three and one-half per tions by centum of his salary in such manner as may be inspectors, prescribed by the regulations.
- 2.—(1) Subsection 1 of section 6 of *The Teachers' and* Rev. State. Subsectors' Superannuation Act is amended by striking out the Stubs. 1. Ambiguity of "thirty-nine" in the fourth line and inserting in lieu thereof the word "forty," so that the subsection exclusive of the clauses, shall now read as follows:
 - (1) Every teacher and every inspector who applies to Annual the Minister for the superannuation allowance pro-allowance vided for by this Act and who furnishes to the ment after forty years' Minister evidence that he has been employed for service. at least forty years prior to the date of such application and has retired from his profession and ceased to be so employed since the 31st day of December. 1916, and who produces such proof of age, length of employment and other evidence as may be required by the regulations shall be entitled to be paid during his lifetime an annual allowance chargeable against the fund equal to one-sixtieth of his average salary for the full number of years during which he has made contributions to the fund, multiplied by the number of full years during which he was employed. and all payments so made shall be debited to the fund, but,---

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Rev. Stat., c. 366, s. 6, subs. 1, cl. h, re-

- (2) Clause h of subsection 1 of the said section 6 is repealed and the following substituted therefor:
 - (h) notwithstanding anything contained in this section, where the average salary for the full number of years during which a teacher or inspector has made contributions to the fund,—
 - (i) does not exceed \$660, the amount of the annual payment to him shall not exceed \$330;
 - (ii) does exceed \$660, the amount of the annual payment to him shall not exceed sixty per centum of such average salary, nor fifty per centum of his average salary for the last ten years during which he has made contribution to the fund.

Rev. Stat., c. 366, s. 6, subs. 2, amended. (3) Subsection 2 of the said section 6 is amended by striking out the word "thirty-nine" in the sixth line and inserting in lieu thereof the word "forty," so that the said subsection shall now read as follows:

after forty years' service. (2) A teacher or inspector who has been employed for at least thirty years, upon making the like application and furnishing the like evidence of employment and retirement shall be entitled to an annual allowance actuarially equivalent to that provided for in the case of a teacher or inspector retiring after forty years' employment, having regard to the difference in length of service and the earlier age at which the allowance becomes payable.

Rev. Stat., c. 366, s. 6, subs. 4, amended. (4) Subsection 4 of the said section 6 is amended by inserting after the words "fifteen years" in the second line the words "and to whom section 6a does not apply," so that the said subsection shall now read as follows:

Retiremer on accoun of permanent disability. (4) Every teacher and inspector who has been employed for at least fifteen years and to whom section 6a does not apply and who within two years from the date of his last employment makes application to the Minister for an annual allowance under this Act and produces the certificate of a legally qualified medical practitioner designated by the Minister which certificate is verified by an official medical referee appointed by the Minister, that he became incapacitated while employed and suffers from a physical disability which totally and permanently incapacitates him from further employment, shall be entitled to the annual allowance provided by subsection 1. (5) Subsection 5 of the said section 6 is amended,-

Rev. Stat., c. 366, s. 6, subs. 5, amended.

- (a) by inserting after the words "fifteen years" in the second line the words "and to whom section 6a does not apply"; and
- (b) by striking out the word "thirty-nine" in the tenth and eleventh lines and inserting in lieu thereof the word "forty";

so that the said subsection shall now read as follows:

- (5) Every teacher and inspector who has been employed on acount for at least fifteen years and to whom section 6a of disability on ther does not apply and who within two years from the cases. date of his last employment makes application to the Minister for an annual allowance under this Act and who produces the certificate of a legally qualified medical practitioner designated by the Minister which certificate is verified by an official medical referee appointed by the Minister, that while employed he has become physically incapacitated from employment may be granted an annual allowance actuarially equivalent to that provided in the case of a teacher or inspector retiring after forty years of employment, having regard to the difference in length of employment and the earlier age at which the allowance becomes payable, but no such allowance shall be less than \$240 per annum, with an additional \$10 over and above that amount for each year by which the age of the applicant exceeds sixty years.
- (6) Subsection 8 of the said section 6 is amended by striking Rev. Stat., out the words "paid by the Province of Ontario Savings Office subs. 8. at the time the refund is made" in the fourth and fifth lines amended. and inserting in lieu thereof the words "of three per centum" so that the said subsection shall now read as follows:
 - (8) Upon the death of a teacher or inspector while Death, engaged in the profession, his personal representatives shall be entitled to receive a sum equal to the total amount contributed by him to the fund during his lifetime with interest at the rate of three per centum compounded half-yearly.
- 3. The Teachers' and Inspectors' Superannuation Act is Rec., Stat., amended by adding thereto the following section:
 - 6a.—(1) Where the medical examination prescribed for Applicant admission to the Ontario College of Education, physical pairment.

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the Ontario Training College for Technical Teachers or a normal school discloses in any applicant a physical impairment, defect or condition which although in the opinion of the examiner would not render such applicant unfit as a teacher or inspector but might subsequently result in or occasion a physical disability which would totally or permanently incapacitate him from further employment as a teacher or inspector, such applicant shall be admitted to the college or school only after he signs a consent, in the form prescribed by the Minister, to have the provisions of this section apply to him in the event of his becoming a teacher or inspector.

Amount o

(2) Every teacher and inspector who has signed a consent under subsection 1, who has been employed at least fifteen years and who within two years of his last employment makes application to the Minister for an annual allowance under this Act and who produces the certificate of a legally qualified medical practitioner designated by the Minister which certificate is verified by an official medical referee appointed by the Minister, that while employed he has become physically incapacitated from employment, shall be granted an annual allowance of an amount similar to that which would be payable under an annuity issued under the Government Annuities Act (Canada) purchased at the rates in force at the date of such application, with an amount equal to all the contributions made by him to the Fund together with those made on his behalf by the

R.S.C., c. 7.

(3) Every teacher and inspector who having signed a consent under subsection 1 retires from teaching or inspecting after having been employed as a teacher or inspector for not less than thirty years shall upon making application and furnishing proof as provided in subsection 2, be granted an annual allowance in the amount prescribed by subsections 1 and 2 of section 6 or in the amount prescribed by subsection 2 of this section whichever is the larger.

Treasurer of Ontario.

(4) Subsections 5 to 12 of section 6 shall apply *mutatis mutandis* to persons who have signed a consent under subsection 1.

Application of other provisions.

Commencement of Act.

4. The amendments made by subsection 4 of section 2, clause a of subsection 5 of section 2 and section 3 of this Act shall be deemed to have had effect as from the 1st day

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of

of September, 1939, and all the other provisions of this Act shall have effect as from the 1st day of September, 1940.

5. This Act may be cited as The Teachers' and Inspectors' Short title. Superannuation Amendment Act, 1940.



CHAPTER 33.

An Act to amend The Trade-schools Regulation Act, 1938.

Assented to February 24th, 1940. Session Prorogued February 24th, 1940.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- **1.**—(1) Section 10 of *The Trade-schools Regulation Act*, 1938, c. 43, 1938, is amended by striking out all the words in the last four amended. lines and inserting in lieu thereof the following:
 - (d) whether acting as the owner or operator of a tradeschool or as an agent or representative thereof, or otherwise, sells or offers to sell instruction or a course of instruction in any trade, unless such instruction or course of instruction is a course of instruction specified in the certificate of registration of a tradeschool registered under this Act, and unless in the case of a sale, such sale is evidenced by a contract in a form approved by the Minister; or
 - (e) is knowingly responsible for the violation of any of the provisions of this Act or the regulations,

shall be liable to a penalty of not more than \$1,000 for a first offence nor more than \$2,000 for a second or subsequent offence and in case of either a first, second or subsequent offence, either in default of payment of any penalty imposed or in addition to any such penalty, to imprisonment for a term not exceeding six months.

- (2) The said section 10 is further amended by adding $^{1938, c. 43}_{s. 10, s. 10}$, thereto the following subsections:
 - (2) The provisions of subsection 1 shall be deemed to Increase in apply mutatis mutandis, to any company save that benalties, the money penalties may be increased in the discretion of the magistrate to a sum not exceeding \$25,000.

(3) The penalties imposed by this section may be recovered in the manner provided by The Summary Convictions Act.

Short title.

2. This Act may be cited as The Trade-schools Regulation Amendment Act, 1940.

CHAPTER 34.

An Act to amend The Unwrought Metal Sales Act.

Assented to February 24th, 1940. Session Prorogued February 24th, 1940.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- **1.** Clauses f and g of section 1 of *The Unwrought Metal*. Rev. Stat. Sales Act are repealed and the following substituted therefor: cl. f. registed; characteristics.
 - (f) "Unwrought metal" shall mean gold, silver, platinum repëaled. or other precious metal in,— "Unwrought metal."
 - (i) bars, ingots, buttons, beads, sheets, rods or wire;
 - (ii) concentrates, nuggets or residues obtained in the smelting, refining or other treatment of substances containing any of such metals,

and shall include ores of such metals where the value of the ore is in excess of 25 cents per pound avoirdupois weight.

- 2. Section 4 of *The Unwrought Metal Sales Act* is amended Rev. Stat. by striking out the word "knowingly" in the first line, so that amended. the said section shall now read as follows:
 - 4. Every person who purchases or in any other manner Purchase acquires possession of unwrought metal from any licensed person other than a license holder shall be guilty of Person proan offence and shall on summary conviction thereof incur the penalties provided in section 3.
- 3. The Unwrought Metal Sales Act is amended by adding Rev. Stat., thereto the following section:
 - 4a. Notwithstanding any other provision of this Act, When no license shall be required by,—
 - (a) any person purchasing unwrought metal from a license holder in a form suitable for use in any art, profession, science or industry; nor

(b) any person selling gold, silver, platinum or other precious metal not exceeding a total quantity of three troy ounces in any calendar month.

Rev. Stat., c. 52, s. 5, amended.

- 4. Section 5 of *The Unwrought Metal Sales Act* is amended by adding thereto the following clause:
 - (ff) authorizing or permitting license holders to purchase or otherwise acquire unwrought metal from persons other than license holders who reside or have their ordinary place of business outside of Ontario, notwithstanding any of the provisions of this Act, and prescribing the terms and conditions which shall govern such purchases or other acquisitions; and

Short title.

5. This Act may be cited as The Unwrought Metal Sales Amendment Act, 1940.

CHAPTER 35.

An Act to amend The Weed Control Act.

Assented to February 24th, 1940. Session Prorogued February 24th, 1940.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- **1.**—(1) Section 3 of *The Weed Control Act* is amended by Rev. Stat., adding thereto the following subsection:
 - (1a) The council of any local municipality, within the By-law meaning of The Municipal Act, may, with the consent certain of the Minister, pass by-laws declaring that plants works other than those mentioned in the regulations, for within the purposes of this Act, shall be deemed noxious within the local municipality, provided that in the Rev. Stat., case of a local municipality situate in and forming part of a county in which a by-law passed under subsection 1 is in force, the power of the council of such local municipality shall be limited to declaring plants other than those named in the county by-law to be plants which shall be deemed noxious weeds within the local municipality.
- (2) Subsection 2 of the said section 3 is amended by striking Rev. Stat., out the word and figure "subsection 1" in the first line and subs. 2., inserting in lieu thereof the words "this section," and by amended. inserting after the word "county" in the third line the words "or local municipality as the case may be," so that the said subsection shall now read as follows:
 - (2) Any by-law passed under the authority of this section Publication shall be published in the Ontario Gazette and when so published shall have the same force and effect within the county or local municipality as the case may be as if the provisions thereof had been contained in the regulations.
 - 2. Subsection 1 of section 11 of *The Weed Control Act* Rev. Stat., is amended by striking out the word "treasurer" in the fifth subs. 1. line and inserting in lieu thereof the word "clerk," so that the said subsection shall now read as follows:

Notice

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(1) Notwithstanding the provisions of the preceding sections any district inspector who finds any noxious weeds or weed seeds on any land within the corporate limits of any city, town, village or township shall forthwith deliver or send by registered mail, to the clerk of such city, town, village or township a notice requiring the destruction of such noxious weeds or weed seeds, or both, before a date to be named in such notice.

Short title. 3. This Act may be cited as The Weed Control Amendment Act, 1940.

PART II PRIVATE ACTS

Chapters 36 to 52



CHAPTER 36

An Act respecting the Town of Bonfield.

Assented to February 24th, 1940. Session Prorogued February 24th, 1940.

WHEREAS the corporation of the town of Bonfield has Preamble. by its petition prayed for special legislation to enable it to obtain electric power from The Hydro-Electric Power Commission of Ontario under Part IV of *The Power Com*-Rev. Stat., mission Act providing for the distribution of power in rural c. 62. power districts, and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. For the purposes of *The Power Commission Act* the Town of Bonfield municipality of the town of Bonfield shall be deemed a town-deemed ship and Part IV of *The Power Commission Act* shall apply township accordingly.

 Rev. Stat...
- 2. This Act may be cited as The Town of Bonfield Act, Short title. 1940.



CHAPTER 37.

An Act respecting the City of Brantford.

Assented to February 24th, 1940. Session Prorogued February 24th, 1940.

THEREAS the corporation of the city of Brantford Preamble. has by its petition represented that from time to time prior to the year 1938 the council of the said corporation entered into arrangements with the following companies, namely, Bradley Machine Company, Brant Bedding Company, Brantford Cordage Company, Limited; Brantford Refrigerator Company; Brantford Stationers, Limited; Brantford Leather Products; W. J. Campbell Company, Limited; Canadian Car and Foundry Company, Limited; H. M. Clubine and Company; Coca-Cola Company of Canada, Limited; James W. Conklin; Dominion Radiator and Boiler Company, Limited; E. and A. Gunther Company, Limited; Harding Carpets, Limited; Hawley Products, Canada, Limited; Charles S. Hotham; H. E. Mott and Company, Limited; William Patterson, Limited; Proctor Packers, Limited; Robbins and Myers Company of Canada, Limited; Ruddy Freeborn Company, Limited; G. F. Sterne and Sons, Limited; Sterling Actions and Keys Limited, all of which carry on business in the city of Brantford, whereby the said corporation accepted from the said companies in full payment of taxes amounts which were less than the full amounts due and payable; and whereas the said corporation has by its petition prayed for special legislation to correct the said arrangements; and whereas it is expedient to grant the prayer of the said petition.

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The council of the said corporation may, without the Power to assent of the electors qualified to vote on money by-laws but Pass by-laws subject to the approval of the Ontario Municipal Board, by by-law determine the percentage of the whole amount due for taxes in the years 1939, 1940 and 1941 which shall be paid by each of the said companies in each of such years, provided that such percentage shall increase in each successive year and that the whole amount of taxes due by each of the said companies on the full assessed value of the respective pro-

perties of each of the said companies shall be paid in the year 1942 and thereafter.

Approval of by-laws by Municipal Board. 2. Any such by-law shall, if and when approved by the Ontario Municipal Board be legal, valid and binding upon the said corporation, the ratepayers thereof and the said companies.

Receipts confirmed.

3. The receipts heretofore or hereafter given by the treasurer of the said corporation to the said companies with respect to the payment of taxes for any year prior to and including 1938 are hereby declared to be legal, valid and binding according to the tenor thereof on the said corporation and the ratepayers thereof.

Short title.

4. This Act may be cited as The City of Brantford Act, 1940.

CHAPTER 38.

An Act respecting the Town of Charlton.

Assented to February 24th, 1940. Session Prorogued February 24th, 1940.

TATHEREAS the corporation of the town of Charlton Preamble. has by its petition prayed for special legislation to enable it to obtain electric power from The Hydro-Electric Power Commission of Ontario under Part IV of The Power Rev. Stat., Commission Act providing for the distribution of power in c. 62. rural power districts; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. For the purposes of The Power Commission Act the Town of municipality of the town of Charlton shall be deemed a deemed township and Part IV of The Power Commission Act shall for rural power. Rev. Stat., c. 62. apply accordingly.
- 2. This Act may be cited as The Town of Charlton Act, Short title. 1940.



CHAPTER 39.

An Act respecting the Town of Chelmsford.

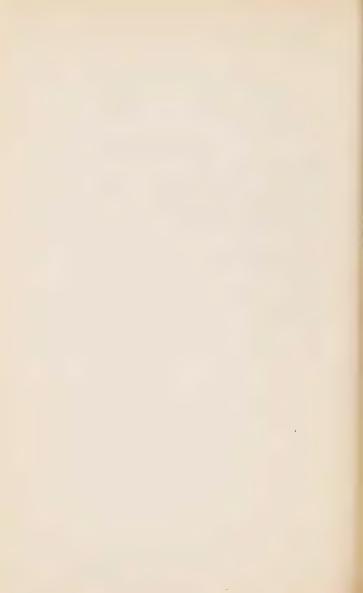
Assented to February 24th, 1940. Session Prorogued February 24th, 1940.

WHEREAS the corporation of the town of Chelmsford Preamble. has by its petition prayed for special legislation to enable it to obtain electric power from The Hydro-Electric Power Commission of Ontario under Part IV of *The Power* Rev. Stat.. Commission Act providing for the distribution of power in ^{6,62}. rural power districts; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- **1.** For the purposes of *The Power Commission Act* the Town of municipality of the town of Chelmsford shall be deemed a chelmsford township and Part IV of *The Power Commission Act* shall township for rural apply accordingly.

 **Town of Chelmsford deemed township for rural apply accordingly.
- 2. This Act may be cited as The Town of Chelmsford Act, short title. 1940.



CHAPTER 40.

An Act respecting The Hamilton Young Men's Christian Association.

Assented to February 24th, 1940. Session Prorogued February 24th, 1940.

HEREAS The Hamilton Young Men's Christian Preamble. Association, herein called "the Association" has by its petition represented that it was incorporated on the 27th day of February, 1886, under chapter 167 of the Revised Statutes of Ontario, 1877, entitled An Act respecting Bene-Rev. Stat., volent, Provident and Other Societies, and that under chapter 145 of the Statutes of Ontario entitled An Act respecting the 1911, c. 145. Hamilton Young Men's Christian Association, passed in the first year of the reign of His late Majesty King George V, its powers were extended as therein set out; and whereas the Association has by its petition prayed that its rights with respect to taxation and the holding of property be amended; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. Section 1 of the Act passed in the first year of the reign 1911, 0. 145, of His late Majesty King George V, chaptered 145 and $\frac{s}{a}$ mended. entitled An Act respecting the Hamilton Young Men's Christian Association is amended by adding thereto the following subsection:
 - (2) The Association may acquire and hold such property, Power to real or personal, outside the city of Hamilton as erry outside may be requisite for the operation of camps or similar Hamilton. projects within the scope of its objects, and all such property belonging to or held in trust for the Association is hereby vested in the Association.
- 2. Section 10 of the Act passed in the first year of the reign 1911, c. 145, of His late Majesty King George V, chaptered 145 and s. 10, reentitled An Act respecting the Hamilton Young Men's Christian Association is repealed and the following substituted therefor:

Taxation.

Rev. Stat.,

10. The buildings, lands, equipment and undertaking of the Association in the city of Hamilton, so long as the same are occupied by and used for the purposes of the Association shall, notwithstanding the provisions of The Assessment Act, have a fixed assessment of \$1,000 for business tax and \$25,000 for all other rates and taxation, including school rates; provided that for the year 1950 and thereafter the basis for taxation set out in this section may be terminated by by-law of the council of the corporation of the city of Hamilton passed with at least one year's notice served on the Association by registered post and published for three consecutive weeks in the Ontario Gazette and a newspaper published in the city of Hamilton.

Rev. Stat., c. 272.

3. Notwithstanding the provisions of The Assessment Act and section 10 of the Act passed in the first year of the reign of His late Majesty King George V, chaptered 145 and entitled An Act respecting the Hamilton Young Men's Christian Asso-1911, c. 145. ciation, all rates and taxes heretofore levied by the corporation of the City of Hamilton on the buildings, lands, equipment and undertaking of the Association on the basis of a fixed assessment of \$1,000 for business tax and \$25,000 for all other rates and taxation, including school rates, are hereby confirmed and declared to be legal, valid and binding upon the Association and the corporation of the City of Hamilton and the ratepayers thereof and all rates and taxes so levied on any other basis and unpaid on the coming into force of this Act are hereby cancelled and the Association shall be under no further liability therefor to the corporation of the City of Hamilton.

Construction with other

1911, c. 145.

4. This Act shall be read with the Act passed in the first year of the reign of His late Majesty King George V, chaptered 145 and entitled An Act respecting the Hamilton Young Men's Christian Association, and any other Act the operation of which extends to the Association, and in the case of conflict between the provisions of this and any other such Act, the provisions of this Act shall govern.

Short title.

5. This Act may be cited as The Hamilton Y.M.C.A. Act, 1940.

CHAPTER 41.

An Act respecting The Hamilton Young Women's Christian Association.

> Assented to February 24th, 1940. Session Prorogued February 24th, 1940.

HEREAS The Hamilton Young Women's Christian Preamble. Association, herein called "the Association," has by its petition represented that it was incorporated on the 8th day of December, 1891, under chapter 172 of the Revised Statutes of Ontario, 1887, entitled An Act respecting Benevolent, Ray, Stat. Provident, and other Societies, and that under chapter 114 of the Statutes of Ontario entitled An Act respecting the Hamilton 62 Vict., c. 114. Young Women's Christian Association and Technical Institute passed in the sixty-second year of the reign of Her late Majesty Queen Victoria the powers of the Association were extended and the name changed to The Hamilton Young Women's Christian Association and Technical Institute and that under chapter 146 of the Statutes of Ontario entitled An Act respecting the Hamilton Young Women's Christian 1911, c. 146. Association passed in the first year of the reign of His late Majesty King George V the constitution of the Association was amended and its name changed back to the original name of The Hamilton Young Women's Christian Association; and whereas the Association has by petition prayed that its rights with respect to taxation and the holding of property be amended; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. Section 8 of the Act passed in the first year of the reign 1911, c. 146, of His late Majesty King George V, chaptered 146 and 8-8, recentled An Act respecting the Hamilton Young Women's Christian Association is repealed and the following substituted therefor:
 - 8.—(1) The Association may acquire and hold such power to property, real or personal, either in or outside the erry. city of Hamilton as may be requisite to operate projects within the scope of its objects, either by purchase, lease, gift, devise or bequest either abso-

Proviso.

lutely or in trust, and may sell, transfer, exchange, mortgage, hypothecate, lease or otherwise alienate or dispose of any such property or part thereof and apply the proceeds thereof for its purposes; provided that land acquired by the Association and not required for its actual purposes or by way of security for the payment of any loan, debt or guarantee shall not be held by the Association or by any trustee on its behalf for a longer period than seven years after it shall cease to be so required, but this proviso shall not be deemed to vary or otherwise affect any trust relating to such property.

Vesting of property.

(2) All real property belonging or held in trust for the Association is hereby vested in the Association.

Taxation

(3) The buildings, lands, equipment and undertaking of the Association in the city of Hamilton so long as the same are occupied by and used for the purposes of the Association shall, notwithstanding the provisions of The Assessment Act, be exempt from business assessment and have a fixed assessment of \$25,000 for all other rates and taxation including school rates; provided that for the year 1950 and thereafter the basis for taxation set out in this section may be terminated by by-law of the council of the corporation of the city of Hamilton passed with at least one year's notice served on the Association by registered post and published for three consecutive weeks in the Ontario Gazette and a news-

Proviso.

Rev. Stat., c. 272.

Tax basis confirmed Rev. Stat. c. 272.

1911. c. 146.

2. Notwithstanding the provisions of The Assessment Act and section 8 of the Act passed in the first year of the reign of His late Majesty King George V, chaptered 146 and entitled An Act respecting the Hamilton Young Women's Christian Association, all rates and taxes heretofore levied by the corporation of the city of Hamilton on the buildings, lands, equipment and undertaking of the Association on the basis of an exemption from business tax and a fixed assessment of \$25,000 for all other rates and taxation, including school rates, are hereby confirmed and declared to be legal, valid and binding upon the Association and the corporation of the city of Hamilton and the ratepayers thereof, and all rates and taxes so levied on any other basis and unpaid on the coming into force of this Act are hereby cancelled and the Association shall be under no further liability therefor to the corporation of the city of Hamilton.

paper published in the city of Hamilton.

Construction with other Act shall be read with the Act passed in the first with other year of the reign of His late Majesty King George V, chap-

tered 146 and entitled An Act respecting the Hamilton Young 1911, c. 146. Women's Christian Association and any other Act the operation of which extends to the Association and in the case of conflict between this and any other such Act the provisions of this Act shall govern.

4. This Act may be cited as The Hamilton Y.W.C.A. Act, Short title. 1940.



CHAPTER 42.

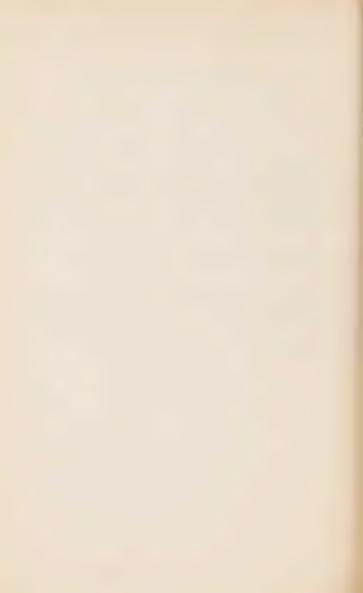
An Act respecting the Village of Killaloe Station.

Assented to February 24th, 1940. Session Prorogued February 24th, 1940.

WHEREAS the corporation of the village of Killaloe Preamble. Station has by its petition prayed for special legislation to enable it to obtain electric power from The Hydro-Electric Power Commission of Ontario under Part IV of The Power Rev. Stat., Commission Act providing for the distribution of power in rural power districts; and whereas it is expedient to grant the prayer of the said petition:

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario. enacts as follows:

- 1. For the purposes of The Power Commission Act the Village of municipality of the village of Killaloe Station shall be deemed Killaloe a township and Part IV of The Power Commission Act shall township apply accordingly.
- 2. This Act may be cited as The Village of Killaloe Station Short title. Act. 1940.



CHAPTER 43.

An Act respecting the County of Lennox and Addington.

Assented to February 24th, 1940. Session Prorogued February 24th, 1940.

HEREAS the corporation of the county of Lennox and Preamble. Addington has by its petition prayed for special legislation in respect of the matter hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. Subject to the approval of the Ontario Municipal Board, By-law No. 735 conby-law number 735, passed by the council of the said corpora-firmed. tion on the 20th day of January, 1940, to equalize the assessments of the several townships, towns and villages in the said county for the purposes of rating for the years 1940 and 1941, set out as Schedule A hereto, is hereby confirmed and declared to be legal, valid and binding upon the corporations of the municipalities comprising the said county.
- 2. This Act may be cited as The County of Lennox and Short title. Addington Act, 1940.

SCHEDULE A.

BY-LAW NUMBER 735.

A by-law to equalize the assessments of the several townships, towns and villages in the County of Lennox and Addington for the purposes of rating for the years 1940 and 1941.

Whereas under the provisions of The Assessment Act, the Council of every County is required yearly to examine the assessment rolls of the different townships, towns and villages, in the County for the preceding financial year and may pass a by-law for the equalizing of the assessments of the said townships, towns and villages.

AND WHEREAS the Council of the Corporation of the County of Lennox and Addington has examined the assessment rolls of the several townships. towns and villages, in the said County for the year 1939.

THEREFORE be it enacted by the Council of the Corporation of the County of Lennox and Addington as a By-law thereof:

1. That the assessments of the different townships, towns and villages in the County of Lennox and Addington, for the purpose of levying county rates thereon, in the years 1940 and 1941 shall be as follows:

Township, Town or Village Equalized Assessment	
Adolphustown\$ 362,910	
Amherst Island. 378,170 Bath. 119,905	
Camden	
Ernesttown	
South Fredericksburgh	
Napanee 1,563,000 Newburgh 119,090	
Richmond 1,069,250 Sheffield 608,040	
TOTAL \$9 637 295	

2. That this by-law shall take effect and be in force upon being validated by the Legislative Assembly of the Province of Ontario.

Enacted this 20th day of January, A.D. 1940.

WILFRID McCape, Warden. WILFRED S. WILSON, County Clerk.

CHAPTER 44.

An Act respecting the City of London.

Assented to February 24th, 1940. Session Prorogued February 24th, 1940.

WHEREAS the corporation of the city of London has Preamble. by its petition prayed for special legislation with respect to the agreements hereinafter mentioned and to confirm the purchase of certain lands; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 4 of the agreement made the 12th day of April, University—1935, between The Board of Governors of the University of agreement Western Ontario and The Board of Hospital Trustees of the City of London, set out as the schedule to the Act passed in the 25th year of the reign of his late Majesty King George V, chaptered 72 and entitled The Victoria Hospital London Act, 1935, c. 72. 1935, is amended by adding at the end thereof the following words:

"Provided always that in the event, in any year, of the member of Victoria Hospital Board of Trustees appointed by the Provincial Government or of the member of the said Board appointed by The Corporation of the County of Middlesex being elected Chairman of the said Board, one of the elected members of the said Board shall be appointed by the said Board to sit and act as a member of the Joint Relations Committee of the said Hospital and the said University, and he shall have the same rights, privileges and powers as any one of the other members of the said Joint Relations Committee."

so that the said agreement as so amended shall read as set out in Schedule A hereto.

2. The agreement made the 18th day of September, 1939, Airport between His Majesty the King, represented therein by the confirmed. Minister of Transport of Canada, and The Corporation of the City of London, set out in Schedule B hereto, providing inter alia for the acquisition by the said corporation of 600 acres, more or less, for the site of an airport, is hereby ratified and confirmed and declared to be legal, valid and binding upon the said corporation and the ratepayers thereof, and the said corporation is hereby empowered and authorized to

carry out its obligations and to enjoy its rights and powers under the terms of the said agreement, and the purchase by the corporation of the city of London, pursuant to the said agreement, of 600 acres being lots 3, 4 and 5 in the first concession of the township of West Nissouri for the sum of \$64,850, is hereby confirmed and declared to be legal, valid and binding on the said corporation and the ratepayers thereof.

Purchase of land adjoining airport confirmed. **3.** The purchase by the corporation of the city of London of lot number 2 in the first concession of the township of West Nissouri, being 200 acres adjoining the 600 acres mentioned in section 2, for the sum of \$9,000, is hereby confirmed and declared to be legal, valid and binding on the said corporation and the ratepayers thereof.

Short title.

4. This Act may be cited as The City of London Act, 1940.

SCHEDULE A

AGREEMENT made the 12th day of April in the year One thousand nine hundred and thirty-five.

BETWEEN.

THE BOARD OF GOVERNORS OF THE UNIVERSITY OF WESTERN ONTARIO, hereinafter called the University,

-and-

THE BOARD OF HOSPITAL TRUSTEES OF THE CITY OF LONDON, hereinafter called the Trustees.

This Agreement witnesseth that it is agreed by and between the parties hereto in manner following:

- 1. In this Agreement "Hospital" shall mean the Victoria Hospital, London.
- 2. The provisions of this Agreement shall be effective for a term of ten years from January 15th, 1934.
- 3. There shall be a Medical Advisory Board which shall consist of the Heads of the various medical services of the Hospital, the Dean of the Medical School and of not more than four additional members elected either by the Medical Staff of the Hospital or by the Western Ontario Academy of Medicine, as the Trustees may designate.
- 4. There shall be a Joint Relations Committee of the Hospital and the University which shall be composed as follows:

The Chairman of Victoria Hospital Board of Trustees;

The Provincial Government representative on the Hospital Trust;

The County of Middlesex representative on the Hospital Trust;

Chairman of the Board of Governors of the University;

Chairman of the Medical School Committee of the Board of Governors of the University:

President of the University;

Dean of the Medical School of the University.

Provided always that in the event, in any year, of the member of Victoria Hospital Board of Trustees appointed by the Provincial Government or of the member of the said Board appointed by The Corporation of the County of Middlesex being elected Chairman of the said Board, one of the elected members of the said Board, to sit and act as a member of the Joint Relations Committee of the said Hospital and the said University, and he shall have the same rights, privileges and powers as any one of the other members of the said Joint Relations Committee.

- 5. The Joint Relations Committee shall consider matters of mutual interest to the Hospital and the University that may arise from time to time.
- 6. The Trustees shall make appointments to the Attending Staff of the Hospital annually on the recommendation only of the Board of Governors of the University and subject to the approval of the Joint Relations Committee or a majority thereof. In making appointments to the Attending Staff of the Hospital regard shall be had to the previous training and record of the appointee, his capacity to render service to the sick in the Hospital, his scientific attainments, his teaching capacity and his likelihood of professional development.
- 7. The Trustees shall make appointments of Internes of the Hospital on the recommendation of the Medical Advisory Board, $\,$
 - 8. In making appointments to the Staff sex shall be no bar.

- No remuneration shall be given by public ward patients to in dividual members of the Clinical Attending Staff.
- 10. Subject to the regulation of the Trustees, members of the Medical Profession of the City of London who are not on the Staff of the Hospital shall have the privilege of attending patients in private and semi-private rooms.
- 11. All public ward patients shall be under the care and control of the Heads of the Clinical services and at the discretion of such heads shall be available for the clinical instruction of the Students of the Medical Faculty of the University.
- 12. According to professional courtesy generally prevailing, doctors not on the staff of the Hospital may, in consultation with the Head of the Service concerned, visit patients referred by them to the public wards in the Hospital.
- 13. The following shall be the services in the several departments of the Hospital:
 - (a) In Medicine, one service, to be increased to two or three coordinate services as necessity arises;
 - (b) In Surgery, one service, to be increased to more as necessity arises;
 - (c) In Obstetrics and Gynaecology, one service, to be increased to more as necessity arises;
 - (d) In Ophthalmology, Otology, Rhinology and Laryngology, one service, to be increased to more as necessity arises;
 - (e) In Pathology and Bacteriology, one service, to be increased to more as necessity arises;
 - (f) In Clinical Pathology, one service;
 - (g) In Anaesthetics, one service;
 - (h) In Paediatrics, one service;
 - (i) In Radiology, one service.
- Each of the services in the several departments shall be under a head with such associates and assistants as may be found necessary.
- 15. The several services in all clinical departments shall be so organized as to include both indoor and outdoor patients and the heads of such services shall be responsible for all such patients.

In witness whereof the parties hereto have caused to be hereunto affixed their respective Corporate Seals.

Signed, sealed and delivered in the presence of

(Seal)

G. A. Wenige, For the Board of Hospital Trustees.

Attest as to signature of G. A. Wenige:

K. G. GRAY.

THE UNIVERSITY OF WESTERN ONTARIO BOARD OF GOVERNORS.

ARTHUR W. WHITE, Vice-Chairman.

-

Walter James Brown, Executive Secretary.

Attest as to signatures of Arthur W. White and Walter James Brown:

B. T. McGhie.

(Seal)

SCHEDULE B

THIS INDENTURE made this 18th day of September, One thousand nine hundred and thirty-nine.

BETWEEN:

HIS MAJESTY THE KING, represented herein by the Minister of Transport of Canada, acting under the authority of an Order in Council (P.C. 2611) dated the 9th day of September, 1939, hereinafter called "His Majesty,"

OF THE FIRST PART:

---and---

THE CORPORATION OF THE CITY OF LONDON, in the Province of Ontario, hereinafter called "the Corporation"

OF THE SECOND PART.

Whereas the Corporation has agreed to acquire, with title satisfactory to the Department of Justice, the necessary lands, consisting of six hundred acres, more or less, as a site for a public airport (hereinafter referred to as "the said airport").

AND WHEREAS His Majesty has agreed to undertake certain work of developing and improving the said airport, consisting of grading and surface treatment of landing strips and runways, drainage, fencing, installation of airport lighting facilities including boundary lights, runway and obstruction lights and rotating beacon, and/or such work of development and improvement as may be approved by the Minister, such work of development and improvement not to exceed the cost of Ninety thousand dollars (\$90,000.00) and to be in accordance with plans and specifications approved by the Minister, and on terms and conditions hereinafter set out and contained:

AND WHEREAS His Majesty has agreed to undertake the work of constructing a radio range station (hereinafter referred to as "the said radio range station") together with the necessary buildings, towers and apparatus requisite thereto, and to acquire the necessary lands therefor, in accordance with plans and specifications approved by the Minister and at a cost not exceeding Sixty-five thousand dollars (\$65,000.00) and on terms and conditions hereinafter set out and contained.

Now Therefore This Agreement Witnesseth that the parties hereto, in consideration of the covenants, provisoes and conditions herein contained, hereby covenant, promise and agree, each with the other, as follows:

 In this agreement the following words shall, unless the context require a different meaning, have the following meanings respectively, that is to sav:

"Corporation" or other words relative thereto or of like import, shall mean and include the Party of the Second Part as above designated or described, and its successors and assigns.

"His Majesty" or other words relative thereto, or of like import, shall mean and include the reigning Sovereign or the successors or assigns of the Sovereign.

"Minister" shall mean the Minister of Transport for the time being, and also his successors in such office, and his or their lawful Deputy.

That the Corporation shall acquire, with satisfactory title, the necessary lands, consisting of six hundred acres, more or less, for the site of the said airport, all to the satisfaction of the Minister.

- 3. That His Majesty at his own expense will perform certain work of developing and improving the said airport, consisting of grading and surface treatment of landing strips and runways, drainage, fencing, installation of airport lighting facilities, including boundary lights, runway and obstruction lights and rotating beacon, and/or such work of development and improvement as may be approved by the Minister, and such approval shall not be unreasonably withheld, such work of development and improvement to be executed and completed by contract or day labour and at a cost of not less than \$75,000.00, and not to exceed the cost of Ninety thousand dollars (\$90.00.00) and to be in accordance with plans and specifications approved by the Minister.
- 4. That His Majesty at his own expense will undertake the work of constructing the said radio range station and the maintenance thereof and will acquire the necessary lands therefor, and provide the necessary electric power for the operation thereof, the work of constructing the said radio range station to be executed and completed by contract or day labour at a cost of not less than \$50,000.00, and not to exceed the cost of Sixty-five thousand dollars (\$65,000.00), including the cost of the site of the said radio range station, and to be in accordance with plans and specifications approved by the Minister and such approval shall not be unreasonably withheld.
- 5. That His Majesty will perform the work of developing and importing the said airport and constructing the said radio range station in accordance with the terms of this agreement during the fiscal year 1939-40, and thereafter will continue and complete during the fiscal year 1940-41, the work of developing and improving the said airport in accordance with plans and specifications prepared at the instruction and approved by the Minister at a cost of at least \$125,000.00, and not to exceed One hundred and forty thousand dollars (\$140,000.00) on the work of developing and improving the said airport; the sums provided for the works or undertakings, referred to in paragraphs 3 and 4 hereof, having been appropriated by Parliament for the purposes of developing and improving the said airport and constructing the said radio range station, respectively, but the additional sums not having been appropriated, His Majesty shall not be obligated to undertake any work in respect of the further development and improvement of the said airport, or to make any expenditure in respect thereof unless and until Parliament votes the necessary money therefor.
- 6. That the site for the said airport, approved by the Minister, shall be set aside and maintained by the Corporation for the purpose of establishing a permanent public airport, and the Corporation shall not sell or convert the said site for any other purpose without the consent, in writing, of the Minister being first had and obtained, provided that the consent of the Minister shall not be withheld in the event that the works contemplated by this agreement have not been completed in accordance therewith and, upon the said consent having been obtained, such works of development and improvement and all chattels, buildings and fixtures installed upon the said airport shall be and become the property of the City of London.
- 7. That, in order to ensure the continued usefulness and operation of the said airport and of any work undertaken by His Majesty in connection with the development and improvement thereof, the Corporation shall, so far as it is empowered so to do, enact or cause to be enacted such by-laws and/or regulations as may be necessary for the zoning of the said airport in accordance with the requirements of the Minister based on the plan of individual airports, but in general to provide for zoning of the area included in the said airport as follows:
 - (a) To prohibit the construction within the said airport of buildings or other structures exceeding in height one (1) foot for each twenty (20') in horizontal distance from the boundary of the said airport.
 - (b) To prohibit the construction within the said airport of buildings or other structures exceeding one (1') foot in height for each fifty (50') feet in horizontal distance from the ends of landing strips selected or contemplated for the installation of blind landing facilities. (Such landing strips to be considered as having a width of one thousand feet (1,000) for this purpose.)

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- 8. That, upon completion to the satisfaction of the Minister, of the work of developing and improving the said airport, the Corporation shall, at the request of the Minister and at a date to be determined by him, take over the operation and maintenance of the said airport and shall, at its own cost and expense and to the satisfaction of the Minister, either directly or by its agent approved, in writing, by the Minister, operate, control and maintain the said airport in a proper and efficient manner, and the Corporation shall provide and maintain the necessary water, sewage and other utilities including facilities therefor required in connection therewith, and electric light and power, including the electrical power for lighting the said airport. The cost of any administration buildings and hangars erected by the Corporation shall be borne by the Corporation, provided always that the Corporation shall not be bound to erect any administration buildings and hangars.
- 9. That the Corporation shall not at any time so long as His Majesty is not in default in carrying out any of the provisions of this agreement undertake any work of construction on the said airport not in accordance with plans and specifications or any revisions thereof approved by the Minister, irrespective of whether such work is to be executed by the Corporation at its own cost and expense or under a grant of financial assistance from His Majesty; and shall not, so long as His Majesty is not in default in carrying out any of the provisions of this agreement, make any alteration or change in the said plans or specifications or consent to the erection or removal of any buildings or the installation of any lights, or make any improvements or changes whatsoever, without the consent, in writing, of the Minister being first had and obtained.
- 10. That all revenues accruing from the operation by the Corporation of the said airport shall belong to the Corporation, provided always that nothing herein contained shall exempt any plane or planes of the Royal Canadian Air Force or the Trans-Canada Air Lines, or any plane of His Majesty, save as provided in clause 12 hereof, from paying the usual fee or charge for the use of the said airport.
- 11. That the Corporation shall demise and lease to His Majesty a pareal of land, containing an area of one acre, more or less, of the lands comprised in the said airport and on a location approved by the Minister, such parcel of land to be used as a site for an Airway Building to house radio, meteorological and control services, and for other government buildings, exclusive of hangars, such lease to be for a term of twenty-one years from the date hereof and at an annual rental of One dollar (\$1.00), renewable at the option of the Minister and upon such other terms and conditions as may be approved by the Minister and the Corporation, provided always that such lease or renewal may be terminated in the event that His Majesty is in default in carrying out any of the provisions of this agreement.
- 12. That the Minister, his inspectors and/or engineers, shall, at all times and for all purposes, including the landing and taking off of aircraft used by them, have full and free access to the said airport, and the Corporation shall provide all reasonable assistance to facilitate inspection of development work in progress and/or completed.
- 13. That the Corporation shall abide by The Air Regulations, 1938, including any amendments thereto, and all other regulations that may be made from time to time under the provisions of The Aeronautics Act, being Chapter 3 of the Revised Statutes of Canada, 1927.
- 14. That His Majesty will have complete control of the said airport during the development and improvement thereof as in this agreement provided.
- 15. That His Majesty will give preference in the employment of labour (apart from key men) by His Majesty in the execution of the work of developing and improving the said airport and constructing and erecting the said radio range station to local labour on the relief rolls of the City of London, and that His Majesty will make a provision in any contract entered into by His Majesty with a contractor in respect of the work of developing and improving the said airport and constructing and erecting

the said radio range station in accordance with the terms of this agreement to the effect that such contractor shall give such preference in the employment of labour (apart from key men) in the execution of the work contracted for, as may be determined by the Minister, to local labour on relief rolls of the City of London, and that the wages paid by such contractor to said labour so employed shall be in accordance with the wage schedules furnished to the Minister by the Department of Labour of Canada.

16. That the Corporation shall at all times indemnify and save harmless His Majesty from and against all claims, demands, loss, costs, damages, actions, suits or other proceedings by whomsoever made, brought or prosecuted, in any manner based upon, occasioned by or attributable to any action taken or things done or maintained by the Corporation, after the Corporation shall have taken over the operation and maintenance of the said airport pursuant to the provisions of Clause 8 hereof, or otherwise howsoever, in connection with the operation and maintenance of the said airport by the Corporation.

17. That His Majesty shall at all times indemnify and save harmless the Corporation from and against all claims, demands, loss, costs, damages, actions, suits or other proceedings by whomsoever made, brought or prosecuted in any manner based upon, occasioned by or attributable to any action taken or things done or maintained by His Majesty, during and in the course of the work of development and improvement to be executed by His Majesty under the provisions of clauses 3 and 4 hereof, or otherwise howsoever, in connection with the development and improvement of the said airport, and/or the operation and maintenance of the airport until such time as the same is taken over for operation and maintenance by the Corporation, pursuant to the provisions of Clause 8 hereof.

In Witness Whereof the parties hereto have executed these Presents the day and year first above written.

SIGNED, SEALED AND DELIVERED |

In the Presence of: W. WHITMARSH.

by the Corporation in the presence of:

VERNA MAY MORGAN.

V. I. SMART. Deputy Minister of Transport. (Seal) GEO. W. YATES, Secretary.

SIGNED, SEALED AND DELIVERED | THE CORPORATION OF THE CITY OF LONDON.

> J. ALLAN JOHNSTON, Mayor.

K. GRANT CRAWFORD. Clerk.

(Seal)

CHAPTER 45.

An Act respecting the Township of Melancthon.

Assented to February 24th, 1940. Session Prorogued February 24th, 1940.

WHEREAS the corporation of the township of Melanc-Preamble. thon has by its petition prayed for special legislation to confirm certain by-laws and in respect of the taxes payable in connection with certain drainage schemes; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. By-laws numbered 620, 621, 622 and 623 passed by the By-laws council of the corporation of the township of Melancthon 620-623, on the 22nd day of April, 1938, set out as Schedule A hereto, to correct the annual levies in respect of payments made in connection with certain municipal drainage schemes of lands situate in the townships of Melancthon and Osprey, are hereby confirmed and declared to be legal, valid and binding upon the corporation of the said township of Melancthon and the ratepayers thereof.
- 2. The engineer's report dated the 20th day of October, Engineer's 1938, set out as Schedule B hereto, is hereby confirmed and report declared to be legal, valid and binding upon the corporations of the townships of Melancthon and Osprey, and it is hereby declared that in compliance with the said report the corporation of the township of Osprey is indebted to the corporation of the township of Melancthon in the sum of \$586.36, and that the said indebtedness shall be fully discharged by the payment of the sum of \$150.
- 3. The corporation of the township of Osprey is hereby Power to authorized to assess against the lands affected by the Connor assess. drain and the R. Little extension thereto, referred to in the said report set out as Schedule B hereto, for the sum of \$150.
- 4. All cancellations, adjustments and reductions of rates or Adjusttaxes with respect to the lands mentioned in the said by-laws ments of set out in Schedule A hereto, made with the approval of the confirmed. council of the said corporation are hereby confirmed and declared to be legal, valid and binding.

Tax sales.

Rev. Stat., c. 272, 278

5. Where the taxes on any of the lands mentioned in the said by-laws set out in Schedule A hereto remain unpaid for three years preceding the 1st day of January in any year, such lands may be sold for taxes in accordance with the provisions of The Assessment Act respecting the sale of lands for taxes notwithstanding any failure to comply, prior to the day upon which this Act comes into force, with the said provisions of the said Act or the provisions of The Municipal Drainage Act; provided that in no case shall any of the said lands be sold or offered for sale for taxes within one year from the day upon which this Act comes into force.

Short title.

6. This Act may be cited as The Township of Melancthon Act. 1940.

SCHEDULE A

BY-LAW NUMBER 620

(An amending By-law to provide funds for the completion of certain Drainage undertakings in the Township of Melancthon.)

WHEREAS By-law Number 397 was passed in the year 1917 by the Municipal Council of the Township of Melancthon in connection with the improvement of the Bradley Drain and branches, authorizing the borrowing on the credit of the said Municipality the sum of Eight Thousand Six Hundred and Thirty-four Dollars (\$8,634.00) for completing same.

AND WHEREAS the said By-law did not provide sufficient funds for the completion of the said drainage work.

AND WHEREAS the total amount necessary to pay back advances made by the Township Treasurer, for completing the said drain, over and above the amount shown in By-law Number 397, is One Thousand Eight Hundred and Ninety-six Dollars and Eighty Cents (\$1,896.80).

Therefore the Municipal Council of the Township of Melancthon enacts as follows:—

- 1. That for the purpose aforesaid, there shall be borrowed on the credit of the Corporation of the Township of Melancthon the sum of \$1,896.80, and debentures shall be issued therefor in sums of not less than \$50.00 each and payable within ten years from the date of said debentures bearing interest at the rate of four per cent per annum.
- 2. The debentures shall all bear the same date and shall be issued within two years after the day on which this by-law is finally passed, and shall be payable in ten annual installments during the ten years next after the time when the same are issued and the respective amounts of principal and interest payable in each year shall be as follows:—

Year No.												P	rino	cipa	1	I	ite	res	st		То	tal	
1												\$	15	8.0	6	\$	7:	5.8	8	\$	23	3.9	4
2													16	4.3	9		69	9.5	5		23	3.9	4
3													17	0.9	6		6	2.9	8		23	3.9	4
4														7.8				5.1				3.9	
5														4.9			49	0.0	3			3.9	
6			,											2.3			4:	1.6	3			3.9	
7					Ů.									0.0				3.9				3.9	
8										 				8.0				5,9				3.9	
9										 				6.3				7.6				3.9	
10		 ۰					٠						22	4.0.	5		9	9.8	9		23	3.9	4
												\$1	80	6.81	n		14			\$2	33	9 4	0

- 3. During the currency of the said debentures the sum of \$233.94 shall be raised annually for the payment thereof and interest, and the same shall be levied and raised annually by a special rate on all the rateable property in the said Bradley Drainage Area, as is shown in the schedule of assessments in the original By-law Number 397.
- 4. The special rates which shall be levied shall be in the same proportion as the assessments contained in the original By-law Number 397.

By-law finally passed this 2nd day of April, 1938.

H. COUTTS. Clerk. R. C. Dynes, Reeve.

By-law read a first and second time on March 5th, 1938,-H.C.

MAIN BRANCH

BRADLEY DRAIN-SCHEDULE OF RATES

	BRADLEY	DRA	IN—SCHE	DULE OF	RATES	Annual
Con.	Lot or Pt. of Lot	Acres	New Assess- ments Ben, Out.	To cover Interest 10 years at 4%	Total Rate	Assess- ment each year for 10 years
1 S.W. 1 S.W. 1 S.W. 1 S.W. 1 S.W. 1 N.E. 1 N.E. 1 N.E. 1 N.E. 1 N.E. 2 N.E. 1 N.E. 2 N.E. 2 N.E. 2 N.E. 3 N.E. 4 N.E. 6 N.E. 6 N.E. 6 N.E. 6 N.E. 6 N.E. 7 N.E.	244 245 246 247 248 249 236 237 238 239 240 241 241 242 243 244 245 246 247 248 235 236 237 238 239 240 30 80 80 80 80 80 80 80 80 80 80 80 80 80	50 44 65 60 65 50 50 30	13.15 5.20 14.05 15.35 57.20 19.80 18.45 21.95 18.45 18.55 15.35 9.90 2.60 5.20	3.40 3.85 3.70 3.40 4.70 3.00 4.70 3.00 2.50 1.50 95 95 95 1.5 0.8 60 2.3 1.90 4.30 12.30 1.23 3.05 1.20 3.25 3.35 5.15 5.15 5.15 5.15 5.15 5.15 5.1	8.10 4.90 5.10 4.90 .80 .30 1.60 3.20	\$ 1.16 3.00 3.00 4.40 4.40 4.40 3.32 1.78 2.03 1.95 1.78 2.47 1.60 1.34 4.9 5.11 1.40 9.08 3.32 8.81 8.11 1.98 2.30 6.51 9.98 4.99 7.05 1.64 1.73 1.89 7.05 2.44 2.27 2.27 2.27 2.27 2.27 2.27 2.27
			Branch I	3		
1 N.E. 1 N.E. 1 N.E. 1 N.E. 1 N.E. 2 N.E. 2 N.E. 2 N.E. 2 N.E.	242 243 244 245 246 240 241 242	5 15 30 20 5 12 24 24	.65 5.45 10.90 6.60 .65 1.32 3.95 8.35	2.50 1.50 .15 .28 .95	.80 6,70 13,40 8,10 .80 1,60 4,90 10,30	.67 1.34 .81 .08 .16 .49

4

BRADLEY

BRADLEY DRAIN—SCHEDULE OF RATES

	BRADLE	Y DRA	IN—SCHE	DULE OF	RATES	
Con.		Acres	New Assess- ments Ben, Out.	To cover Interest 10 years at 4%	Total Rate	Annual Assess- ment each year for 10 years
2 N.E. 2 N.E. 2 N.E. 3 N.E. 3 N.E. 4 N.E. 4 N.E. 4 N.E. 5 N.E. 5 N.E. 5 N.E. 6 N.E.	of Lot 243 244 245 246 246 25 24 S.E. ½ 29 28 88 27 26 25 24 S.E. ½ 29 28 35 35 35	24 24 24 10 45 100 100 80 3 45 100 100 50 50 50 50 55 55 55	7.05 2.20 1.75 .44 16.45 43.95 6.60 4.40 .65 10.90 54.90 0.8.25 6.60 3.30 5.45 16.45 14.25	1.65 .50 .25 .06 3.85 1.50 1.00 .15 2.50 12.70 4.25 1.50 1.70 1.25 3.85 3.85 3.85 3.85 3.85 3.85	8.70 2.70 2.00 .50 20.30 54.20 8.110 5.40 67.60 22.50 8.10 6.70 20.30 20.30 17.60 6.70 20.30 20.30	.87 .27 .20 .05 2.03 5.42 .81 .54 .08 1.34 6.76 2.25 .81 .40 .67 2.03 2.03
5 N.E. 5 N.E. 5 N.E. 6 N.E. 6 N.E. 6 N.E. 6 N.E.	35 34 33 32 35 35 34 33 32	8 50 75 50 8 35 40 35	Branch C .65 17.65 26.40 7.70 .65 4.18 4.18 4.18	6.20 1.80	32.60	
4 N.E. 4 N.E. 5 N.E. 5 N.E.	32 31 S.W. ½ 32 31	25 25 50 20	BRANCH E 15.40 15.40 17.65 10.80	3.50 3.50 4.15 2.50	18.90 18.90 21.80 13.30	1.89 1.89 2.18 1.33
1 N.E. 1 N.E. 1 N.E. 1 N.E. 1 N.E. 2 N.E. 2 N.E. 2 N.E. 2 N.E. 3 N.E. 3 N.E. 3 N.E. 4 N.E.	232 233 234 235 236 237 238 231 232 233 234 235 32 31 30 33 33	10 25 36 42 30 20 10 15 24 24 20 5 5 100 12 3 30	4.60		5.70	2.11 1.98 1.68 .30 .16 .27 .87 1.41 .57 .05 .08 3.38 .35 .05
Townshi	p of Melanctho	on	\$1,113.20 . 783.60	\$259.60 183.00	\$1,372.80 966.60	\$137.28 96.66
Тот	AL		.\$1,896.80	\$442.60	\$2,339.40	\$233.94

BY-LAW NUMBER 621

A By-law to amend By-law Number 484 of the Township of Melancthon.

Whereas By-law Number 484 was passed in the year 1925 by the Municipal Council of the Township of Melancthon in connection with the improvement of the Connor Drain, authorizing the borrowing on the credit of the said Municipality the sum of Two Thousand Four Hundred and Ninety-five Dollars and Thirteen Cents (\$2,495.13)

AND WHEREAS the said by-law did not provide sufficient funds to complete the work connected with the drain and to pay further advances in connection therewith.

AND WHEREAS the total amount necessary to pay back to the Township Treasurer, above the amount shown in By-law Number 484 is Four Hundred and Ninety-seven Dollars and Thirty-seven Cents (\$497.37).

THEREFORE the Municipal Council of the Township of Melancthon enacts as follows:—

- 1. That for the purpose aforesaid, By-law Number 484 shall be amended to include the said sum of Four Hundred and Ninety-seven Dollars and Thirty-seven Cents (\$497.37), bearing interest at the rate of 4 per cent per annum, and authority is hereby given to borrow the said sum on the credit of the Corporation of the Township of Melancthon.
- That the above amount shall be spread over the remaining term of 2 years of the original by-law so that the respective amounts of principal and interest payable in each year shall be equal.

The following special rates shall be levied against each respective lot or part of lot, and collected in the same manner as is authorized in By-law Number 484 and any debentures issued in connection herewith shall be subject to all the provisions contained therein.

By-law finally passed this 2nd day of April, 1938.

H. COUTTS, Clerk. R. C. Dynes, Reeve.

SCHEDULE OF ASSESSMENTS

Connor Drain. Amending By-law.										
Con.	Lot	Acres	Special Assess- ment	Interest at 4% for 2 years	Total Rate	Annual Levy for 2 years				
3 N.E.	36	9								
3 N.E.	37	80	\$.40	\$.02	\$.42	\$.21				
3 N.E.	38	86	,40	.02	.42	.21				
3 N.E.	39	99	.40	.02	.42	.21				
3 N.E.	40	110	5.40	.30	5,70	2.85				
3 N.E.	41	26	1.00	.06	1.06	.53				
4 N.E.	34	70	24.95	1.31	26.26	13.13				
4 N.E.	35	90	60.10	3.32	63.42	31.71				
4 N.E.	36	90	27.85	1.53	29.38	14.69				
4 N.E.	37	100	14.80	.84	15.64	7.82				
4 N.E.	38	100	14.80	.84	15.64	7.82				
4 N.E.	39	86	14.25	.79	15.04	7.52				
5 N.E.	34	25	6.75	.37	7.12	3.56				
5 N.E.	35	83	53.00	2.92	55.92	27.96				
5 N.E.	S.W. 1/2 36	821/2	53,20	2.94	56.14	28.07				
5 N.E.	N.E. 12 36	821/2	17.80	.96	18.76	9.38				
5 N.E.	37	104	60.50	3.32	63,82	31.91				
5 N.E.	38	46	39.75	2.19	41.94	20.97				
5 N.E.	39	2	1.00	.06	1.06	.53				
6 N.E.	35	35	3.90	.22	4.12	2.06				
			\$400.25	\$ 22.03	\$422.28	\$211.14				
Roads a	and lands of M	Iunicipali		4.36	83.48	41.74				
To	TAL		\$479.37	\$505.76	\$ 26.39	\$252.88				

BY-LAW NUMBER 622

A By-law to amend By-law Number 501 of the Township of Melancthon.

Whereas By-law Number 501 was passed in the year 1928 by the Municipal Council of the Township of Melancthon in connection with the improvement of the Reid Drain, authorizing the borrowing on the credit of the said Municipality the sum of Five Hundred and Forty-seven Dollars and Ten Cents (\$547.10), to pay for work and other expenses connected with the undertaking.

AND WHEREAS the said by-law did not provide sufficient funds for the completion of the said drain, and to pay further advances in connection therewith.

AND WHEREAS the total amount necessary to pay back advances made by the Township Treasurer, above the amount shown in By-law Number 501, is One Hundred and Forty Dollars (\$140,00).

THEREFORE the Municipal Council of the Township of Melancthon enacts as follows:—

- 1. That for the purpose aforesaid, By-law Number 501 shall be amended to include the said sum of One Hundred and Forty Dollars (\$140.00), bearing interest at the rate of 4 per cent per annum, and authority is hereby given to borrow the said sum on the credit of the Corporation of the Township of Melancthon.
- That the above amount shall be spread over the remaining term of 5 years of the original by-law so that the respective amounts of principal and interest payable in each year shall be equal.

The following special rates shall be levied against each respective lot or part of lot, and collected in the same manner as is authorized in By-law Number 501 and any debentures issued in connection herewith shall be subject to all the provisions contained therein.

By-law finally passed this 2nd day of April, 1938.

H. Coutts,

R. C. DYNES,

REID MUNICIPAL DRAIN

SCHEDULE OF ASSESSMENTS. AMENDING BY-LAW.

Con.	Lot	Acres	Value of	Interest at 4% for	Total Special	Levy each year for
		400	Benefit	5 years	Rate	5 years
4 O.S.	1	100	\$ 11.50	\$ 1.45	\$ 12.95	\$ 2.59
4 O.S.	2	180	24.30	2.95	27.25	5.45
2 S.W.	305	90	17.90	2,20	20.10	4.02
			\$ 53.70	\$ 6.60	\$ 60.30	\$12.06
County of	Dufferi	7	51.20	6,25	57.45	11.49
Township				4.25	39.35	7.87
Total Nev	v Assessi	nent	\$140.00	\$17.10	\$157.10	\$31.42

BV-LAW NUMBER 623

A By-law to amend By-law No. 502 of the Township of Melancthon.

WHEREAS By-law Number 502 was passed in the year 1929 by the Municipal Council of the Township of Melancthon in connection with the improvement of the Westicott Drain, authorizing the borrowing on the credit of the said Municipality the sum of Eighteen Hundred and Thirty-four Dollars and Five Cents (\$1,834.05).

And Whereas the said by-law did not provide sufficient funds to complete the work connected with the drain and to pay further advances in connection therewith.

AND WHEREAS the total amount necessary to pay back to the Townfly Treasurer, above the amount shown in By-law Number 502, is for Hundred and Fighty-seven Dollars and Thirty-three Cents (\$1,087.33).

THEREFORE the Municipal Council of the Township of Melancthon enacts as follows:—

- 1. That for the purpose aforesaid, By-law Number 502 shall be amended to include the said sum of Ten Hundred and Eighty-seven Dollars and Thirty-three Cents (\$1,087.33), bearing interest at the rate of 4 per cent per annum, and authority is hereby given to borrow the said sum on the credit of the Corporation of the Township of Melancthon.
- That the above amount shall be spread over the remaining term of 6 years of the original by-law so that the respective amounts of principal and interest payable in each year shall be equal.

The following special rates shall be levied against each respective lot or part of lot, and collected in the same manner as is authorized in By-law Number 502 and any debentures issued in connection herewith, shall be subject to all the provisions contained therein.

By-law finally passed this 2nd day of April, 1938.

H. Coutts, Clerk. R. C. Dynes,

SCHEDULE OF ASSESSMENTS

WESTICOTT DRAIN. AMENDING BY-LAW.

Con.	Lot	Acres	Special Assess- ment	Interest at 4% for 6 years	Total Rate	Annual Levy for 6 years
8 N.E.	19	18	\$ 2.35	\$,35	\$ 2.70	\$.45
		56	12.20	1.72	13.92	2.32
7 N.E.	13 and 14	76	14.50	2.06	16.56	2.76
7 N.E.	15	85	23.30	3.34	26,64	
7 N.E.	16	. 76	43.50	6.24	49.74	8.29
7 N.E.	17		29.00	4.18	33.18	5,53
7 N.E.	18	70	4.65	.75	5.40	.90
6 N.E.	13	25	4.65		5.40	.90
6 N.E.	14	45		.73	2.70	.45
6 N.E.	15	20	2.35	,33		.40
5 N.E.	11	10	0.25	.35	2.70	.45
5 N.E.	12	20	2.35		2.70	.45
	W. ½ 18	30	2.35	.35	5.40	.90
	W. 1/4 19	50	4.65	.75	2.70	.45
	t. N.W. 1/4 19	25	2.35	.35		.45
	t. N.W. ½ 19	25	2.35	.35	2.70	2.76
	W. ½ 20	100	14.50	2,06	16.56	2.70
	W. ½ 21	100	11.90	1.72	13.62	
	W. ½ 22	100	49.30	6.98	56.28	9.38
4 O.S.	W. ½ 23	100	69.05	9.73	78.78	13.13
4 O.S.	W. ½ 24	100	104.50	14.60	119.10	19.85

SCHEDULE OF ASSESSMENTS

WESTICOTT DRAIN. AMENDING BY-LAW.

4 O.S. p 5 O.S. p 6 O.S. p 7 O	E. ½ 23 E. ½ 24 W. ½ 21 W. ½ 22 W. ¼ 23 W. ¼ 23	Acres 45 70 100 65 35 100 67 4 9 100 55 45 100 100 100 100 100 111 11 23	Special Assessment 14.50 9.35 11.90 9.35 51.15 70.25 69.05 29.00	Interest at 4% for 6 years 2.06 f.years 2.06 1.45 1.72 7.73 9.85 9.73 4.12	Total	Annual Levy for 6 years 2.76 1.80 2.27 10.48 13 35 13.13 5.52 4.53 17.98 3.44 4.50 1.81 4.55 2.3 2.33 4.45
Township	of Dufferin p of Melanctl	non	90.38	\$133.51 8.22 12.94	\$1,072.26 66.42 103.32	\$178.71 11.07 17.22
101	AL		\$1,007.33	\$154.67	\$1,242.00	\$207.00

SCHEDULE B

To the Municipal Council of the Township of Melancthon.

Gentlemen

By-Law Number 484 of the Township of Melancthon was provisionally adopted on the 2nd day of March, A.D. 1925, and provided for the repair and improvement of the Connor Drain and the R. Little Extension thereto, in accordance with the reports of U.W. Christie, C. E., which were incorporated therein. These drainage works affected lands and roads in the townships of Melancthon and Osprey. The latter township was duly served with the said reports and passed a by-law or by-laws in accordance therewith raising and paying over to the township of Melancthon their share of the cost of the work, as estimated in those reports. These by-laws having failed to provide sufficient funds for the completion of the work, I was instructed by your Honourable Body to prepare a report under the provisions of section 68 of the Municipal Drainage Act, R. S. O. 1927, for the purpose of making such additional assessments against the lands and roads to the treasurer of the township of Melancthon any sums expended to date over and above the amounts provided by the above mentioned by-laws and to meet such other expenditures as may be necessary in connection therewith.

The special auditor's report procured by the township of Melancthon and made by Gray, Teskey and Hill, Chartered Accountants, of Toronto, shows this drainage account to stand at December 31st, 1937, as follows:

expenditures.										
Deficit										\$ 941.37

This sum does not include any interest charges which the township of Melancthon might properly have included as a charge against the drainage scheme, but which have been assumed by the township.

My estimate of the amount now required to be raised under amending by-laws is \$1,086.37 which is made up as follows:

Preparation of Amending Report	\$	941.37 35.00
Clerk's fees and preparation of By-Law, Melancthon Osprey Contingencies		25.00 35.00 50.00
Making a total of	S	1.086.37

The proportional amount to be borne by each municipality affected is as follows:

Township	Original Assessment	New Assessment
MelancthonOsprey		\$ 500.01 586.36
Totals	\$5,421,13	\$1,086.37

These sums are assessed against the lands and roads in the townships of Melancthon and Osprey in any way liable for these costs as shown in the annexed schedules of assessment which form a part of this report, these assessments being based on, and proportional to, the assessments shown in the by-laws under which these drains were constructed.

All of which is respectfully submitted.

I have the honour to be, Gentlemen,

Your obedient servant,

F. M. EAGLESON

Dated at Orangeville this 20th day of October, A.D. 1938.

SCHEDULE SHOWING ASSESSMENT AGAINST LANDS AND ROADS IN THE TOWNSHIP OF MELANCTHON

FOR THE CONSTRUCTION OF

THE CONNOR AND R. LITTLE EXTENSION DRAINS

(To Accompany an Amending Report Dated October 20th, A.D., 1938)

Con.	Lot or Part	Acres	Benefit	Outlet Liability	Injuring Liability
3 N.E.	37	80	Denene	Liability	
O 14.15.					\$0.40
	38	86			.40
	39	99			.40
	40	110		\$3.20	2.40
	41	26			1.00
4 N E.	34	70		23.30	3.00
	35	90	\$59.30		3.60
	36	90 .		25.50	
	37	100		11.90	3,60
	38	100		11.90	3.60
	39	86		11.90	3.00
5 N.E.	. 34	25		11.50	
o it.D.	35	83	52.50		1.00
	S. W. ½ 36				3.00
		821/2	52.70	11111	3.00
	N. E. ½ 36	821/2	6.60	10.65	1.40
	37	104	59.30		4.00
	38	46	40.20		1.40
	39	2	1.00		
6 N.E.	35	35		3,20	

Total assessment on Lands for Benefit......\$271.60 Total assessment on Lands for Outlet Liability. 101.55 Total assessment on Lands for Injuring Liability. 35.20

Total assessment on Lands...... 408.35 Total assessment on Roads...... 91.66 Making a total of\$500.01

SCHEDULE SHOWING ASSESSMENT AGAINST LANDS AND ROADS IN THE TOWNSHIP OF OSPREY

FOR THE CONSTRUCTION OF THE CONNOR AND R. LITTLE EXTENSION DRAINS

(To Accompany an Amending Report Dated October 20th, A.D. 1938)

Con.	Lot or Part	Acres	Benefit	Outlet Liability	Injuring Liability
1 N.	23	26			\$0.40
1 N.	24	41			. 80
1 N.	25	50			1.40
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Chap. 45.	Te	ownship of	Melancthon.	4 (Geo. VI.
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1940.	Township of	Melancthon.	Ch	ap. 45.
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Making a total of \$586.36

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CHAPTER 46.

An Act respecting the Township of North York.

Assented to February 24th, 1940. Session Prorogued February 24th, 1940.

WHEREAS the corporation of the township of North Preamble. York has by its petition prayed for special legislation with respect to the matter of annexation hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Notwithstanding the provisions of any other Act, No annexa excepting only section 23 of The Municipal Act as amended by tion for five The Municipal Amendment Act, 1939, the township of North Rev. Stat., York or any part thereof shall not, for a period of five years c. 286. after this Act comes into force, be annexed to any adjoining 1939, municipality or be incorporated as a municipality separate and apart from the said township, without the assent of the electors of the said township obtained on the submission of a question for that purpose.

2.—(1) In this section,—

Interpre-

- (a) "rural land" shall mean any area of land in the said "rural land;" township consisting of not less than 20 acres in the occupation of the owner or tenant and used principally for agricultural or reforestation purposes, or an area of land in the said township consisting of not less than 5 acres in the occupation of the owner or tenant and used principally for market gardening or nursery purposes, or for raising poultry, live stock or fur-bearing animals;
- (b) "urban land" shall mean any land in the said township "urban other than rural land.
- (2) The assessor in preparing the assessment roll shall sure designate the lands as rural lands or urban lands, as the case assessor, may be, and in making the school census shall segregate the number of pupils entitled to attend school from rural lands from the number of pupils entitled to attend school from urban lands.

By-law apportioning school costs. (3) Subject to the approval of the Minister of Education, the council of the said township may by by-law provide that in the township school area or in any school section the moneys to be raised for school purposes shall be apportioned between the rural lands and the urban lands in such area or section in the manner hereinafter provided.

Apportioning of school rate. (4) Upon the passing of any such by-law applicable in the township school area, the school rate for such area and for any school section to which any such by-law applies shall be ascertained by apportioning the amount to be levied by special rate upon such area or section between the rural lands and the urban lands in such area or section in the proportion that the number of pupils from such rural lands bears to the number of pupils from such urban lands and the amount so apportioned shall be levied against the respective lands according to the assessments thereof.

Enlarging township school area. (5) If any such by-law applies to the township school area, any school section to which such by-law or any other by-law passed under this section applies, may be brought forthwith into such area in the manner provided in *The Public Schools Act.*

Right of appeal. Rev. Stat., c. 272.

Rev. Stat., c. 357.

(6) For the purpose of subsection 3 of section 73 of *The Assessment Act* any school board shall be deemed to be a person assessed within the meaning of such section.

Conflict. Rev. Stat., cc. 272, 357. (7) In the case of conflict between the provisions of *The Assessment Act* or *The Public Schools Act* and this section, the provisions of this section shall govern.

Short title.

3. This Act may be cited as The Township of North York Act. 1940.

CHAPTER 47.

An Act respecting St. Paul's Congregation of The United Church of Canada in Orillia.

> Assented to February 24th, 1940. Session Prorogued February 24th, 1940.

WHEREAS the Trustees of St. Paul's Congregation of Preamble. The United Church of Canada in Orillia, have by their petition prayed for special legislation in respect to the matter hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition:

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. Notwithstanding the provisions of The Mortmain and Statutes of Charitable Uses Act, the title to parts of lots 6 and 7 on the not to apply south side of Mississaga Street, in the town of Orillia and property. county of Simcoe, according to registered plan number 12, Rev. Stat., more particularly described in a certain conveyance from the o. 147 executors of William Todd, deceased, to the Trustees of the said Congregation, and registered in the registry office for the county of Simcoe on the sixth day of August, 1934, as No. 21157, in accordance with a devise in the will of the said William Todd, are hereby vested or revested in the Trustees from time to time of the said Congregation, and such Trustees are hereby authorized and empowered to have, hold and enjoy the said lands for the benefit of the said Congregation, without their title thereto being limited or affected by the provisions of any statute respecting mortmain in force in Ontario.
- 2. This Act may be cited as The St. Paul's Congregation of Short title. The United Church of Canada in Orillia Act. 1940.



CHAPTER 48.

An Act respecting the City of Sault Ste. Marie.

Assented to February 24th, 1940. Session Prorogued February 24th, 1940.

WHEREAS the corporation of the city of Sault Ste. Preamble. Marie has by its petition represented that at the annual municipal election held by the said corporation on the 1st day of January, 1940, the following question was submitted to the municipal electors:

Are you in favour of the City of Sault Ste. Marie establishing and operating its own system of bus transportation under such form of control and direction as may seem advisable to the city council, to the end that such establishment and operation, though financed on the security and credit of the city of Sault Ste. Marie, shall be paid for out of the revenues to be derived from the operation of the system and not be a charge, either for capital expenditure or operating expenses, on the rate-payers of the city?

and whereas 2,123 voted in the affirmative and 1,088 in the negative thereon; and whereas the said corporation has by its petition prayed for special legislation to establish a bus system of transportation and to validate by-law number 1690; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

 The said corporation is hereby authorized and em-Power to establish, etc., a bus system.

(a) to establish, maintain and operate a bus transportation system and to acquire or construct buses required for such purpose, and to acquire and hold any land or other property, real or personal, required for such purpose and to sell any such property no longer required for such purpose and, after having first obtained the assent of the electors entitled to vote on money by-laws and the approval of the

Rev. Stat., c. 60. Ontario Municipal Board in compliance with section 70 of *The Ontario Municipal Board Act*, to raise by loans or the issue of debentures or otherwise any moneys necessary for such purpose;

(b) to fix such tolls and fares as may seem advisable to the end that such tolls and fares shall produce a sum sufficient to provide for the operating costs, maintenance and upkeep of the said system and for all interest charges on loans and debentures and all charges necessary for the renewal or replacement thereof and for the cost of any extensions of the said system or improvement of or additions to the equipment as from time to time may seem advisable, and for the payment of all loans and debentures and other encumbrances and liabilities of any nature connected with the said system as such become due, in order that so far as possible the said system shall be self-sustaining.

Transportation Commission. 2.—(1) The council of the said corporation may by by-law, which shall not require the assent of the municipal electors, delegate and entrust all the powers and authority conferred on the said corporation by section 1 to the control and management of a commission which shall be a body corporate to consist of three members to be called "The Sault Ste. Marie Transportation Commission," two of the members thereof shall be appointed by the council of the said corporation and the head of the council of the said corporation shall ex officio be the other member thereof; provided that a member of the council of the said corporation shall not be eligible to be so appointed.

Proviso

Term of

(2) The members of the said commission appointed by the council of the said corporation shall hold office for two years and until their successors are appointed and the new commission is organized; provided that the first of such members to be so appointed shall hold office for one year, and until his successor is appointed and the new commission is organized.

(3) Where a vacancy in the said commission occurs from any cause the council of the said corporation shall appoint a successor who shall hold office during the remainder of the term for which his predecessor was appointed.

Quorum.

(4) The majority of the members of the said commission shall constitute a quorum.

Salary

(5) The salary, if any, of the members of the said commission shall from time to time be fixed by the council of the said corporation.

Chap. 48.

- (6) Every officer, employee and servant of the said commis-Term of sion shall hold office during the pleasure of the said commission. employment.
- (7) The said commission shall not make any expenditure Commence of moneys or commence operations until a by-law to secure the operations. necessary moneys has been assented to and approved as aforesaid; provided that if such by-law fails to secure such assent proviso, and approval, the council of the said corporation shall thereupon have authority and power to enter into an agreement with any person for the establishment, maintenance and operation of a bus transportation system and to pass, without the assent of the municipal electors, a by-law granting to such person an exclusive franchise for the use of the streets of the said city for the operation of a bus transportation system for such period and on such terms as to the council of the said corporation may seem expedient.
- 3. The council of the said corporation may at any time Power to with the assent of the municipal electors, repeal any by-laws. passed under section 2.
- 4.—(1) If and when the said commission is established and Commission entitled to commence operations, all the powers and authority bus system. conferred on the said corporation by section 1 shall, while the by-laws for establishing the said commission and entrusting it with such control and management remain in force, be exercised by the said commission and not by the council of the said corporation.
- (2) Nothing in this section shall divest the council of the $\frac{Power}{council}$ to said corporation of its authority to raise the moneys mentioned raise money in clause a of section 1.
- 5. The provisions of sections 41 to 44 of *The Public Utilities* Rev. Stat., e. 280, Act shall apply mutatis mutandis to the said commission.
- **6.** On the passing of either of the by-laws mentioned in street section 2, the rights and obligations of The International railway franchise Transit Company and the said corporation under any franchise terminated agreement or grant for the operation of an electric street railway shall terminate and cease, without any obligation on the said corporation to take over any property of the said company.
- 7. By-law number 1690 passed by the council of the cor-By-law poration of the city of Sault Ste. Marie on the 8th day of confirmed. January, 1940, set out as Schedule A hereto, to extend the guarantee of certain bonds of the Plummer Memorial Public Hospital, is hereby confirmed and declared to be legal, valid and binding on the said corporation and the ratepayers thereof.

8. This Act shall be subject to The Public Vehicle Act. Rev. Stat., c. 289 to apply.

9. This Act shall come into force on the day upon which Commencement of Act. it receives the Royal Assent.

10. This Act may be cited as The City of Sault Ste. Marie Short title. Act, 1940.

SCHEDULE A

BY-LAW NUMBER 1690

of the Corporation of the City of Sault Ste. Marie

A By-law to extend the guarantee of certain bonds of the Plummer Memorial Public Hospital.

Whereas By-law Number 1413 of the City of Sault Ste. Marie provided for the guarantee of bonds of the Plummer Memorial Public Hospital in the said City to the extent of \$45,000.00 and for the taking of security by way of mortgage for the said guarantee, and said By-law was duly confirmed and declared to be legal, valid and binding upon the Corporation and the ratepayers thereof.

AND WHEREAS \$15,000.00 of the said bonds become due and payable on the 15th day of January, 1940, and the said Plummer Memorial Public Hospital is unable to pay \$10,000.00 thereof and has requested the holders of the said bonds to extend the date of payment thereof until the 15th day of January, 1945, which the holders thereof have agreed to do if the Corporation extends the guarantee of payment thereof and interest thereon at the rate of five percent per annum, payable semi-annually.

AND WHEREAS it is deemed expedient to grant the request of the said Plummer Memorial Public Hospital.

Now Therefore, the Municipal Corporation of the City of Sault Ste, Marie enacts as follows:—

- The guarantee of the Corporation of payment of \$10,000.00 of the bonds of the Plummer Memorial Public Hospital, which are due and payable on the 15th day of January, 1940, and interest thereon at the rate of five percent per annum, payable semi-annually, is hereby extended for a period of five (5) years, namely, from the 15th day of January, 1940, to the 15th day of January, 1945.
- The Mayor and Clerk of the said Corporation are hereby authorized and directed to execute, under the seal of the Corporation, a form of extension of the guarantee of the said bonds accordingly.

Read a first, second and third time, and finally passed in open Council this 8th day of January, A.D. 1940.

(Sgd.) W. J. McMEEKEN,

Mayor.

(Seal)

(Sgd.) HAROLD TOLLEY, Clerk.



CHAPTER 49.

An Act respecting the Village of Sturgeon Point.

Assented to February 24th, 1940. Session Prorogued February 24th, 1940.

WHEREAS the corporation of the village of Sturgeon Preamble. Point has by its petition prayed for special legislation to enable it to obtain electric power from The Hydro-Electric Power Commission of Ontario under Part IV of *The Power* Rev. Stat.. Commission Act providing for the distribution of power in 6.62. rural power districts; and whereas it is expedient to grant the prayer of the said petition:

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. For the purposes of *The Power Commission Act*, the Yillage of municipality of the village of Sturgeon Point shall be deemed deemed a township, and Part IV of *The Power Commission Act* shall for rural apply accordingly.
- 2. This Act may be cited as The Village of Sturgeon Point Short title. Act, 1940.



CHAPTER 50.

An Act respecting the City of Toronto.

Assented to February 24th, 1940. Session Prorogued February 24th, 1940.

WHEREAS the corporation of the city of Toronto has Preamble. V by its petition prayed for special legislation in respect to the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. The council of the said corporation may by by-law Power to cancel the business assessment made in the year 1938 or 1939 cancel of any person occupying or using land for the purpose of business assessments. operating a rooming house and the taxes levied in the year 1939 or 1940 on such assessment and, where such taxes have been paid, authorize the amount thereof to be refunded to the person who paid such taxes.
 - (a) In this section "rooming house" shall mean any house "Rooming or building or portion thereof which is mainly used, meaning of by any male or female person residing therein as proprietor, for supplying for hire or gain to other persons, lodging, with or without meals, in rooms furnished by such proprietor with necessary furnishings, and shall not include an hotel or apartment house.
- 2. Notwithstanding the provisions of The Local Improve-Reconment Act or any other Act or by-law of the said corporation pavements, excepting only the provisions of section 70 of *The Ontario* Rev. Stat., *Municipal Board Act*, where a pavement has been constructed ^{0.269}. as a local improvement work upon or along any street or Rev. Stat., c. 60. portion thereof, the council of the said corporation may, at the expense of the corporation at large and without local assessment, reconstruct, resurface or widen such pavement or construct a new pavement or curbing, upon or along such street or portion thereof and may from time to time, without the assent of the electors qualified to vote on money by-laws. issue debentures to raise the amount necessary to pay the cost of any such work of reconstruction, resurfacing, widening or

construction, and may, prior to its issuing of any such debentures, agree with any bank or person for temporary advances to meet the cost of any such work.

Short title. 3. This Act may be cited as The City of Toronto Act, 1940.

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CHAPTER 51.

An Act respecting the Toronto Hospital for Consumptives.

Assented to February 24th, 1940. Session Prorogued February 24th, 1940.

THEREAS the Toronto Hospital for Consumptives, Preamble. hereinafter called "the Hospital", has by its petition represented that it was incorporated by an Act passed in the sixth year of the reign of His late Majesty King Edward VII, chaptered 144 and entitled An Act respecting Toronto Free Hospital for Consumptives; that by an Act passed in the thirteenth and fourteenth years of the reign of His late Majesty King George V, chaptered 110 and entitled An Act respecting Toronto Free Hospital for Consumptives the name was changed to Toronto Hospital for Consumptives; that it has agreed to transfer and vest in The National Sanitarium Association. incorporated by an Act passed by the Parliament of Canada in the fifty-ninth year of the reign of Her late Majesty Queen Victoria, chaptered 52 and entitled An Act to incorporate the National Sanitarium Association, hereinafter called "the Sanitarium", all its assets and undertaking; and that the Sanitarium has agreed to carry on the operation and undertaking of the Hospital; and whereas the Hospital has prayed for special legislation confirming the said agreement and carrying out its purpose; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The agreement made between the Hospital and the Agreement Sanitarium dated the 18th day of January, 1940, set out in confirmed Schedule A hereto, is hereby ratified and confirmed and declared to be valid and binding upon the parties thereto, and the said parties are hereby authorized and empowered to enter into the said agreement and to carry out their respective obligations thereunder and to exercise, possess and enjoy their respective rights, powers and privileges thereunder.

2. The undertaking, properties, assets, rights, privileges, Undertaking credits and effects of the Hospital, including all gifts and pro-legacies to and endowments of the Hospital, whether hereto- vested in Sanitarium.

fore or hereafter given or made and the exclusive right to the use of the name "Toronto Hospital for Consumptives" are hereby vested in and become the property of the Sanitarium, and all such gifts, legacies, and endowments shall enure to the benefit of the Sanitarium, and wherever in any deed of gift or will or other instrument of gift or endowment heretofore or hereafter made the Hospital is referred to or intended to be referred to, such reference shall hereafter be deemed to be a reference to the Sanitarium.

3. From and after the day upon which this Act comes into force all rights of creditors against the property, rights and assets of the Hospital and all liens upon its property, rights and assets shall remain unimpaired and all debts, contracts, liabilities and duties of the Hospital shall thenceforth attach to the Sanitarium and may be enforced against it to the same extent as if such debts, contracts, liabilities and duties had been incurred or contracted by it, and all proceedings may be commenced by or continued against the Sanitarium which might have but for this Act been commenced by or continued against the Hospital.

Rights of

4. Nothing in this Act or the said agreement shall alter, prejudice or affect any right or privilege of the Sanitarium under any agreement, contract, deed, will or other instrument.

Registration of docu-

Rev. Stat., cc. 174, 170, 181.

5. For the purposes of The Land Titles Act, The Registry Act, The Bills of Sale and Chattel Mortgage Act or any other Act affecting the title to property, it shall be sufficient in order to show the transmission or transfer of title from the Hospital to the Sanitarium and the vesting therein of any lands or any interest in lands, or personal property or any interest in personal property, to cite this Act.

When to cease corporate

6. On the expiration of two years from the day upon which this Act comes into force the Hospital shall cease to have any corporate existence.

Short title.

7. This Act may be cited as The Toronto Hospital for Consumptives Act, 1940.

SCHEDULE A

This Agreement made this 18th day of January, A.D. 1940

BETWEEN:

TORONTO HOSPITAL FOR CONSUMPTIVES, an institution incorporated under an Act of the Legislature of the Province of Ontario, hereinafter called "Toronto Hospital for Consumptives'

OF THE FIRST PART,

THE NATIONAL SANITARIUM ASSOCIATION, an institution incorporated under an Act of the Parliament of the Dominion of Canada, hereinafter called "The National Sanitarium Association"

OF THE SECOND PART,

Whereas Toronto Hospital for Consumptives and The National Sanitarium Association each have established, equipped and maintain institutions in the Province of Ontario for the isolation, treatment and cure of persons affected with pulmonary disease and as incident to such undertaking are conducting clinics and research work in extremely close relations with each other;

AND WHEREAS it is desirable, if a suitable basis therefor can be arranged, that the non-operative revenue of The National Sanitarium Association be made available for assistance in the operation of Toronto Hospital for Consumptives;

AND WHEREAS to this end the Parties hereto have agreed that The National Sanitarium Association shall acquire the assets and undertaking of Toronto Hospital for Consumptives on the terms and conditions hereinafter set forth:

Now Therefore This Agreement Witnesseth:

- 1. Subject to the enactment of appropriate enabling legislation by the Legislature of the Province of Ontario, Toronto Hospital for Consumptives agrees to transfer, convey and vest in The National Sanitarium Association all the assets and undertaking of Toronto Hospital for Consumptives (including all gifts, legacies and endowments).
- 2. The National Sanitarium Association agrees to assume to the complete exoneration of Toronto Hospital for Consumptives all the debts, liabilities and obligations of Toronto Hospital for Consumptives.
- 3. The National Sanitarium Association undertakes to carry on the operation and undertaking formerly carried on by Toronto Hospital for Consumptives.
- 4. The Parties hereto shall execute all deeds, agreements and documents which may be necessary or desirable for carrying out and completing the true intent of this agreement, and the vesting in The National Sani-tarium Association all of the assets and undertaking of Toronto Hospital for Consumptives.
- 5. From and after the date hereof and until the passing of said legislation, each of the parties hereto will continue on its business and the management of its affairs as heretofore and under the control of its Board of Trustees, but subject to such directions as the Boards of Trustees of the parties may jointly determine.
- 6. Upon the passing of the said legislation, the staff of Toronto Hospital for Consumptives shall be merged in and become part of the staff of and under the control of The National Sanitarium Association.

7. The Parties hereto will co-operate and endeavour to obtain legislation at the present Session of the Legislature of the Province of Ontario, validating and confirming this agreement and/or embodying the terms and provisions herein contained, in such manner as may be necessary to give full effect to the true intent and meaning of this agreement and to vest in The National Sanitarium Association all of the assets and undertaking of Toronto Hospital for Consumptives. Should such legislation not be obtained within six months from the date hereof this Agreement shall be at an end.

In Witness Whereof the Parties hereto have hereunto affixed their corporate seals under the hands of their proper officers.

corporate seals under the hands of	their proper officers.
SIGNED, SEALED AND DELIVERED	TORONTO HOSPITAL FOR CONSUMPTIVES
(Seal)	E. L. Ruddy, President.
	G. A. Reid, Secretary.
	THE NATIONAL SANITARIUM ASSOCIATION
	E. L. Ruddy, President.
(Seal)	G. A. Reid, Secretary.

CHAPTER 52.

An Act respecting William C. Wride and Josie Wride.

Assented to February 24th, 1940. Session Prorogued February 24th, 1940.

HEREAS William C. Wride and Josie Wride, his wife, Preamble. of the township of Gosfield South in the county of Essex, have by their petition represented that they are the mortgagees of certain lands described as being all and singular that certain parcel or tract of land and premises situate, lying and being in the township of Gosfield South in the county of Essex and Province of Ontario and being composed of part of the lands comprised in registered plan number 1022 and being designated on said plan as "Private Park"; that the mortgage is in default it having become due and payable on the 1st day of March, 1924; that it is inexpedient to foreclose the mortgage and perfect the title of the petitioners to the said lands in the usual way as the cost of so doing would be excessive having regard to the value of the said lands and the large and indeterminate number of persons interested; and whereas the petitioners have prayed for special legislation vesting the said lands in them, in fee simple; and whereas it is expedient to grant to the petitioners the following relief:

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Notwithstanding the provisions of any Act or the Service of rules of court, in any action to foreclose the said mortgage or to exercise the statutory power of sale thereunder or in any other action or proceeding to determine or enforce the rights of the said mortgagees under the said mortgage the said mortgagees may serve each of the persons appearing by the last revised assessment roll of the township of Gosfield South to have any interest in the said Private Park or any other lands described in registered plan 1022 or 1169 with any writ of summons, notice, pleading, order or other document in connection with any such action or proceeding by publication thereof once in The Essex County Reporter and by sending by registered post a copy thereof to each of such persons addressed to his last address, as shown by the said assessment roll, or in default of such address, to Kingsville, Ontario.

Personal service.

- (2) Upon the expiration of ten days from the date of such publication and mailing, such service shall for all purposes be deemed to be personal service upon all persons interested in the said Private Park.
- Commencement of Act. 2. This Act shall come into force on the day upon which it receives the Royal Assent.
- Short title. 3. This Act may be cited as The William C. Wride and Josie Wride Act, 1940.

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(Fifth Session, Twentieth Legislature 4 George VI, 1940)

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Order-in-Council, 30th December, 1938-GAZETTE, 7th January, 1939. FARM PRODUCTS CONTROL ACT.

Erie-St. Clair Onion Growers' Marketing Scheme and Regulations.

Order-in-Council, 8th September, 1939-GAZETTE, 23rd September, 1939. GAME AND FISHERIES ACT

Bear, exportation of, by non-residents

Order-in-Council, 1st April, 1939-GAZETTE, 8th April, 1939.

Beaver, open season for.
Order-in-Council, 1st April, 1939—GAZETTE, 8th April, 1939. Order-in-Council, 6th December, 1939-GAZETTE, 16th December, 1939. Deer, open season for.

Örder-in-Council, 5th October, 1939—GAZETTE, 7th October, 1939. Order-in-Council, 9th November, 1939—GAZETTE, 18th November, 1939.

Moose, open season for.
Order-in-Council, 5th October, 1939—GAZETTE, 7th October, 1939.

Muskrat, open season for, in certain districts.

Order-in-Council, 9th May, 1939-GAZETTE, 20th May, 1939. Oakland Crown Game Preserve, establishment of.

Order-in-Council, 5th October, 1939—GAZETTE, 7th October, 1939. Peasemarsh Crown Game Preserve, establishment of.

Order-in-Council, 5th October, 1939-GAZETTE, 7th October, 1939.

Partridge, open season for. Order-in-Council, 5th October, 1939—GAZETTE, 7th October, 1939.

Pheasants, English ring-necked, open season for. Order-in-Council, 5th October, 1939-GAZETTE, 7th October, 1939.

Quail, open season for.

Order-in-Council, 5th October, 1939-GAZETTE, 7th October, 1939.

Regulated Game Preserves.

Schedule of, appended to Order-in-Council of 21st October, 1938, amended. Order-in-Council. 5th October, 1939-GAZETTE, 7th October, 1939. Roselands Crown Game Preserve, establishment of.

Order-in-Council, 5th October, 1939-GAZETTE, 7th October, 1939.

GUARANTEE COMPANIES SECURITIES ACT.

Bonds of Indemnity Insurance Company of North America given and accepted as security. Order-in-Council, 30th May, 1939-GAZETTE, 8th July, 1939.

Bonds of Halifax Insurance Company given and accepted as security. Order-in-Council, 27th June, 1939-GAZETTE, 8th July, 1939.

Bonds of Great American Indemnity Company given and accepted as security. Order-in-Council, 9th May, 1939-GAZETTE, 8th July, 1939.

HIGHWAY IMPROVEMENT ACT.

Divided highways, certain roadways to be known as.

Order-in-Council, 7th July, 1939-GAZETTE, 15th July, 1939.

Divided highways, regulations re-

Order-in-Council, 7th July, 1939—GAZETTE, 29th July, 1939. Mileage added to King's Highway System.

GAZETTE, 18th March, 1939. GAZETTE, 29th April, 1939.

GAZETTE, 3rd June, 1939. GAZETTE, 1st July, 1939. GAZETTE, 23rd September, 1939. GAZETTE, 30th September, 1939.

Order -in-Council, 20th October, 1939-GAZETTE, 4th November, 1939.

GAZETTE, 4th November, 1939. Correction-Gazette, 11th November, 1939.

GAZETTE, 25th November, 1939. GAZETTE, 2nd December, 1939.

HIGHWAY TRAFFIC ACT.

Application of subsection 1 of section 79 to judgments recovered against residents of Ontario

in courts of Idaho, U.S.A.

Proclamation, 27th June, 1939—GAZETTE, 15th July, 1939. in courts of North Dakota, U.S.A.

Proclamation, 27th June, 1939—GAZETTE, 15th July, 1939. in courts of Washington, U.S.A.

Proclamation, 27th June, 1939—GAZETTE, 15th July, 1939. in courts of Kansas, U.S.A.

Proclamation, 5th September, 1939—GAZETTE, 9th September, 1939.

INDUSTRIAL STANDARDS ACT

Orderin-Council, 18th August, 1939—GAZETTE, 26th August, 1939.

Correction—GAZETTE, 2nd September, 1939.

Barbering Industry (Kenora-Keewatin zone)

Order-in-Council, 1st April, 1939-GAZETTE, 8th April, 1939.

Barbering Industry (Wingham zone)

Order-in-Council, 9th May, 1939-GAZETTE, 13th May, 1939.

Bricklaying, stonemasonry and plastering (Galt zone).
Order-in-Council, 24th August, 1939—GAZETTE, 2nd September, 1939.

Building Industry (Kitchener-Waterloo zone).

Order-in-Council, 24th August, 1939-GAZETTE, 2nd September, 1939. Carpentry Industry (Cornwall zone).

Order-in-Council, 30th May, 1939-GAZETTE, 3rd June, 1939.

Carpentry Industry (Galt zone) Order-in-Council, 21st July, 1939—GAZETTE, 29th July, 1939. Carpentry Industry (Kirkland-Larder Lake zone).

Order-in-Council, 17th January, 1939-GAZETTE, 21st January, 1939.

Carpentry Industry (Peterborough zone).
Order-in-Council, 21st July, 1939—Gazerre, 29th July, 1939.
Correction—Gazerre, 19th August, 1939.

Carpentry Industry (Timmins zone)

Order-in-Council, 9th May, 1939-GAZETTE, 13th May, 1939.

Cloak and Suit Industry (Province of Ontario). Order-in-Council, 9th February, 1939—GAZETTE, 11th February, 1939. Correction—GAZETTE, 18th February, 1939.

Coal Industry (Toronto zone)

Order-in-Council, 20th October, 1939-GAZETTE, 28th October, 1939.

Electrical Repair and Construction Industry (Kingston zone). Order-in-Council, 9th May, 1939-GAZETTE, 13th May, 1939.

Electrical Repair and Construction Industry (Kirkland Lake zone).
Order-in-Council, 9th May, 1939—GAZETTE, 13th May, 1939.

Hard Furniture Industry (Province of Ontario).
Order-in-Council, 30th May, 1939—GAZETTE, 3rd June, 1939. Jewellery Industry (Toronto zone).

Order-in-Council, 29th September, 1939-GAZETTE, 7th October, 1939. Logging Industry (Thunder Bay District).

Order-in-Council, 9th May, 1939—GAZETTE, 13th May, 1939.

Logging Industry (Timmins-Cochrane zone).
Order-in-Council, 29th September, 1939—GAZETTE, 7th October, 1939. Correction-GAZETTE, 21st October, 1939.

INDUSTRIAL STANDARDS ACT-Continued

Schedule of Hours and Wages-Continued

Men's and Boys' Clothing Industry (Province of Ontario). Order-in-Council, 1st April, 1939—GAZETTE, 8th April, 1939.

Painting and Decorating Industry (Hamilton zone).
Order-in-Council, 9th May, 1939—GAZETTE, 13th May, 1939.

Painting and Decorating Industry (Ottawa zone).

Order-in-Council, 21st July, 1939—GAZETTE, 29th July, 1939.
Painting and Decorating Industry (Toronto and District zone).
Order-in-Council, 28th February, 1939—GAZETTE, 4th March, 1939.
Plumbing and Heating Industry (Hamilton zone).
Order-in-Council, 30th May, 1939—GAZETTE, 3rd June, 1939.
Plumbing and Heating Industry (Windsor zone).

Order-in-Council, 21st July, 1939-GAZETTE, 29th July, 1939.

Regulations under amended

Soft Furniture Industry (Toronto and District zone).

Soft Furniture Industry (Toronto and District zone).

Order-in-Council, 28th February, 1939—GAZETTE, 4th March, 1939.

Soft Furniture Industry (Toronto and District zone).

Order-in-Council, 9th November, 1939—GAZETTE, 18th November, 1939.

Taxicab Industry (Toronto zone). Order-in-Council, 21st July, 1939-GAZETTE, 29th July, 1939.

Insurance Act.

List of persons licensed to transact insurance. GAZETTE, 29th July, 1939.

JUDICATURE ACT.

Bonds of Indemnity Insurance Company of North America given and accepted

Order-in-Council, 30th May, 1939-GAZETTE, 8th July, 1939.

Bonds of Halifax Insurance Company given and accepted as security.

Order-in-Council, 27th June, 1939—GAZETTE, 8th July, 1939.

Bonds of Great American Indemnity Company given and accepted as security.
Order-in-Council, 9th May, 1939—GAZETTE, 8th July, 1939.

LEGISLATIVE ASSEMBLY.

Convening.

Proclamation, 31st January, 1939-GAZETTE, 4th February, 1939. Proclamation, 5th September, 1939—GAZETTE, 9th September, 1939. Proclamation, 20th November, 1939—GAZETTE, 25th November, 1939.

Prorogation.

GAZETTE, 6th May, 1939. GAZETTE, 30th September, 1939.

Return of member (East Simcoe). GAZETTE, 18th February, 1939.

LIQUOR CONTROL ACT.

Home-made wine, cider and beer, regulations re-

Order-in-Council, 6th December, 1939-GAZETTE, 16th December, 1939.

Marriage Act.

Certain persons authorized to solemnize marriage.

GAZETTE, 7th January, 1939. GAZETTE, 4th March, 1939.

GAZETTE, 20th Mary, 1939. GAZETTE, 20th May, 1939. GAZETTE, 15th July, 1939. GAZETTE, 25th August, 1939. GAZETTE, 21st October, 1939. GAZETTE, 2nd December, 1939.

MINING ACT

International Nickel Company, patent to, for road allowances in Townships of Norman, McLennan and Capreol.

Order-in-Council, 10th July, 1939—Gazette, 12th August, 1939. Lands withdrawn from operation of Act.

Order-in-Council, 13th April, 1939-GAZETTE, 22nd April, 1939.

Miners' licenses, time for making application for and taking out renewals extended. Order-in-Council, 1st April, 1939—GAZETTE, 15th April, 1939. Order-in-Council dated 14th September, 1937, withdrawing lands in District

of Thunder Bay from staking out, rescinded. Order-in-Council, 2nd March, 1939-GAZETTE, 11th March, 1939.

Regulations amended. Order-in-Council, 9th November, 1939—GAZETTE, 2nd December, 1939. MINING TAX ACT.

Mines, mining locations, etc., forfeited to Crown for non-payment of mining tax. Order-in-Council, 31st July, 1939—Gazette, 5th August, 1939.
Order-in-Council, 18th August, 1939—Gazette, 2nd September, 1930.
Order-in-Council, 29th September, 1939—Gazette, 7th October, 1939.

MUNICIPAL SUBSIDY ACT.

revocation of present and substitution of new regulations. Order-in-Council, 29th September, 1939—GAZETTE, 14th October, 1939.

PROVINCIAL LAND TAX ACT. rates of taxation for 1940.

GAZETTE, 1st July, 1939.

certain lands forfeited to Crown for non-payment of tax. GAZETTE, 7th October, 1939.

PUBLIC HEALTH ACT Regulations re-

Bedding

Order-in-Council, 28th December, 1938—GAZETTE, 7th January, 1939. Communicable diseases, amended

Order-in-Council, 7th March, 1939-GAZETTE, 25th March, 1939.

PUBLIC OFFICERS ACT.

Bonds of Indemnity Insurance Company of North America given and accepted as security

Order-in-Council, 30th May, 1939-GAZETTE, 8th July, 1939. Bonds of Halifax Insurance Company given and accepted as security.
Order-in-Council, 27th June, 1939—GAZETTE, 8th July, 1939.

Bonds of Great American Indemnity Company given and accepted as security. Order-in-Council, 9th May, 1939-GAZETTE, 8th July, 1939.

Recommendation of Minister as to operations. Order-in-Council, 9th May, 1939-GAZETTE, 20th May, 1939.

ROYAL COLLEGE OF DENTAL SURGEONS OF ONTARIO

By-laws amended.

GAZETTE, 9th December, 1939. GAZETTE, 16th December, 1939.

SAWLOGS.

Recommendation of Minister as to operations. Order-in-Council, 9th May, 1939-GAZETTE, 20th May, 1939.

SECURITIES ACT

Regulations.

Order-in-Council, 20th May, 1936—GAZETTE, 6th May, 1939.

Regulations amended.

Order-in-Council, 24th November, 1936—GAZETTE, 6th May, 1939. Order-in-Council, 29th May, 1937—GAZETTE, 6th May, 1939.

Unemployment Relief Act, 1935.

Regulations re Farm Rehabilitation Plan. Order-in-Council, 18th September, 1939—GAZETTE, 23rd September, 1939.

WORKMEN'S COMPENSATION ACT. Regulations under, amended.

GAZETTE, 7th October, 1939.

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GAME AND FISHERIES ACT.

J. W. Crow Sanctuary, establishment of.
Order-in-Council, 23rd January, 1940—GAZETTE, 3rd February, 1940.

Firearms, carrying on game preserve prohibited.
Order-in-Council 23rd January, 1940—GAZETTE, 3rd February, 1940. Waterloo Crown GamePreserve, establishment of.

Order-in-Council, 23rd January, 1940-GAZETTE, 3rd February, 1940.

HIGHWAY IMPROVEMENT ACT.

Mileage added to King's Highway System. GAZETTE, 20th January, 1940. GAZETTE, 10th February, 1940.

INDUSTRIAL STANDARDS ACT

Barbering Industry (Brampton zone).

Order-in-Council, 28th December, 1939-GAZETTE, 6th January, 1940, Barbering Industry (Goderich, Clinton and Seaforth zone).

Order-in-Council, 28th December, 1939-GAZETTE, 6th January, 1940.

Hard Furniture Industry (Province of Ontario).
Order-in-Council, 23rd January, 1940—GAZETTE, 3rd February, 1940.

Logging Industry (Massey zone).
Order-in-Council dated 10th September, 1937, establishing zone, revoked. Order-in-Council, 28th December, 1939-GAZETTE, 6th January, 1940.

LEGISLATIVE ASSEMBLY,

Prorogation.

GAZETTE, 2nd March, 1940.

LIQUOR CONTROL ACT.

Additional regulations under,

Order-in-Council, 5th January, 1940-GAZETTE, 13th January, 1940.

MARRIAGE ACT

Certain persons authorized to solemnize marriage. GAZETTE, 13th January, 1940.

MINING ACT.

Certain lands opened for prospecting, staking out, sale or lease. GAZETTE, 3rd February, 1940.

MINING TAX ACT.

Notice re unpaid taxes.

GAZETTE, 6th January, 1940.

PUBLIC HEALTH ACT.

Regulations for health units (Dundas, Stormont and Glengarry). Order-in-Council, 23rd January, 1940-GAZETTE, 17th February, 1940.

RAILWAY FIRE CHARGE ACT.

Charges payable in respect of railway lands for 1940. GAZETTE, 10th February, 1940.

STEAM BOILER ACT.

Regulations under, amended.

Order-in-Council, 23rd January, 1940-GAZETTE, 3rd February, 1940.

VOTERS' LISTS ACT.

Declaration as to right of certain persons to vote. GAZETTE, 13th January, 1940.





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